



County Offices
Newland
Lincoln
LN1 1YL

25 February 2019

Executive

A meeting of the Executive will be held on **Tuesday, 5 March 2019** in **Committee Room One, County Offices, Newland, Lincoln LN1 1YL** at **10.30 am** for the transaction of business set out on the attached Agenda.

Yours sincerely

A handwritten signature in cursive script that reads 'DBarnes'.

Debbie Barnes OBE
Head of Paid Service

Membership of the Executive
(8 Members of the Council)

Councillor M J Hill OBE, Executive Councillor for Resources and Communications (Leader of the Council)

Councillor Mrs P A Bradwell OBE, Executive Councillor for Adult Care, Health and Children's Services (Deputy Leader)

Councillor C J Davie, Executive Councillor for Economy and Place

Councillor R G Davies, Executive Councillor for Highways, Transport and IT

Councillor E J Poll, Executive Councillor for Commercial and Environmental Management

Councillor Mrs S Woolley, Executive Councillor for NHS Liaison and Community Engagement

Councillor C N Worth, Executive Councillor for Culture and Emergency Services

Councillor B Young, Executive Councillor for Community Safety and People Management

**EXECUTIVE AGENDA
TUESDAY, 5 MARCH 2019**

Item	Title	Forward Plan Decision Reference	Pages
1	Apologies for Absence		
2	Declarations of Councillors' Interests		
3	Announcements by the Leader, Executive Councillors and Executive Directors		
4	Minutes of the Meeting of the Executive held on 5 February 2019		5 - 14

KEY DECISIONS - ITEMS TO BE RESOLVED BY THE EXECUTIVE

5	The Lincolnshire County Council A46 Dunholme and Welton Junction Improvement Land Acquisition and associated Orders <i>(To receive a report from the Interim Executive Director of Place, which seeks the Executive's approval to proceed with the making of the Compulsory Purchase Order and Side Roads Order for the Dunholme and Welton Junction Improvement Scheme)</i>	I017098	15 - 90
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NON KEY DECISIONS - ITEMS TO BE RESOLVED BY THE EXECUTIVE

6	Council Business Plan 2018/2019 Performance Report, Quarter Three <i>(To receive a report from the Head of Paid Service, which presents an overview of performance for Q3 against the Council Business Plan)</i>	I016868	91 - 102
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Please Note: for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

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**EXECUTIVE
5 FEBRUARY 2019**

PRESENT: COUNCILLOR M J HILL OBE (LEADER OF THE COUNCIL)

Councillors Mrs P A Bradwell OBE (Executive Councillor for Adult Care, Health and Children's Services) (Deputy Leader), C J Davie (Executive Councillor for Economy and Place), R G Davies (Executive Councillor for Highways, Transport and IT), Mrs S Woolley (Executive Councillor for NHS Liaison and Community Engagement), C N Worth (Executive Councillor for Culture and Emergency Services) and B Young (Executive Councillor for Community Safety and People Management).

Councillors R B Parker (Chairman of the Overview and Scrutiny Management Board) and N H Pepper (Chairman of the Public Protection and Communities Scrutiny Committee) were also in attendance.

Officers in attendance:-

Debbie Barnes OBE (Head of Paid Service), David Forbes (County Finance Officer), Glen Garrod (Executive Director of Adult Care and Community Wellbeing), Andy Gutherson (Interim Executive Director of Place), Cheryl Hall (Democratic Services Officer), Nicole Hilton (Chief Community Engagement Officer), Kevin Kendall (County Property Officer), Sue Maycock (Head of Finance (Corporate)), Pete Moore (Executive Director, Finance and Public Protection), Dave Simpson (Technical and Development Finance Manager), Jasmine Sodhi (Performance and Equalities Manager), Janice Spencer OBE (Interim Director of Children's Services) and Nigel West (Head of Democratic Services and Statutory Scrutiny Officer).

42 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor E J Poll (Executive Councillor for Commercial and Environmental Management).

43 DECLARATIONS OF COUNCILLORS' INTERESTS

There were no declarations of interest.

44 ANNOUNCEMENTS BY THE LEADER, EXECUTIVE COUNCILLORS AND EXECUTIVE DIRECTORS

There were no announcements.

45 MINUTES OF THE MEETING OF THE EXECUTIVE HELD ON
18 DECEMBER 2018

RESOLVED

That the minutes of the meeting held on 18 December 2018 be signed by the Chairman as a correct record.

46 REVENUE AND CAPITAL BUDGET MONITORING REPORT 2018/19

Consideration was given to a report from the Executive Director of Finance and Public Protection which provided an update on spending compared with budgets for the financial year which began on 1 April 2018.

The Technical and Development Finance Manager advised that the tables in the report had shown the actual income and expenditure for the first eight months of the financial year, along with the projections for spending and a comparison of the projections against the approved budgets.

It was advised that the total council revenue spending was predicted to be £6.082m less than the total budget (excluding the projected under spending on schools budgets); general reserves at the year-end were forecast to be within the 2.5% to 3.5% range of the total budget based on current spending; and net capital spending was projected to be £3.332m less than the budget at the end of the financial year.

The Chairman of the Overview and Scrutiny Management Board (OSMB) advised that OSMB had considered the Executive report at its meeting on 31 January 2019 and had supported the recommendations in the report. The comments of OSMB were circulated at the meeting for consideration by the Executive.

The Chairman of the OSMB highlighted the reported underspend of £3.081m on IMT Strategy and Support. Officers had highlighted at the meeting of OSMB that the underspend was owing to a delay in the work on the IMT Strategy but confirmed that an IMT Board had been to be established to consider the on-going revenue budget implications of capital investment in IT Services. The Board would consider business cases for future budget requirements in this area in the future.

The Chairman of OSMB also highlighted that OSMB had endorsed a suggestion that the Highways and Transport Scrutiny Committee receives regular capital programme budget monitoring reports from June 2019. Furthermore, it was suggested that OSMB could receive similar capital programme reports relating to IMT. The Executive supported these suggestions for an increase in scrutiny activity in these areas and requested that Group Leaders be invited to consider how the monitoring of the capital programme could be improved, ready to commence in the financial year 2019/20.

The Executive Councillor for Adult Care, Health and Children's Services referred to the projected overspend of £1.993m in 2018/19 for adult specialist services, owing to a number of high cost placements in both Learning Disabilities and Mental Health.

The Executive was advised that the projected overspend stated in the report was from November 2018 and more recent figures had suggested that the overspend had reduced to approximately £1.3m and that this area of expenditure would be closely monitored.

Reference was made to the projected underspend of £0.510m in the waste management budget as a result of lower composting costs and reductions in recycling charges. It was suggested that the budget for this area be reviewed and consideration given at the coming year end to establishing an earmarked reserve for waste funded by this underspend. This reserve would be available to, for example, offset any demand led pressures on future waste budgets.

RESOLVED

- (1) That the current position on the revenue and capital budgets be noted.
- (2) That Group Leaders be invited to consider how the monitoring of the capital programme could be improved, ready to commence in the financial year 2019/20.

47 COUNCIL BUDGET 2019/20

Consideration was given to a report from the Executive Director of Finance and Public Protection, which invited the Executive to consider its final proposals for the Council's budget and council tax in light of the provisional local government settlement and consultation comments on its initial proposals. The Executive was also asked to consider prudential targets in relation to capital financing and other treasury management matters and to recommend to the meeting of the County Council the Flexible Use of Capital Receipts Strategy for 2019/20.

The County Finance Officer introduced the report to the Executive and guided them through those updates to the Council Budget 2019/20, tabled at the meeting, which had taken place since the meeting on 18 December 2018. The tabled information provided a further update to the Executive to take account of the following subsequent events: -

- The decisions taken by the Executive on 18 December 2018;
- The Final Local Government Finance Settlement published on 29 January 2019;
- Confirmation from District Councils of Council Tax bases;
- Confirmation from District Councils of Council Tax Collection Fund surpluses;
- Confirmation from District Councils of Business Rates Collection Fund surpluses; and
- Confirmation from District Councils of Business Rates Section 31 grant funding.

An updated Appendix I to the report was also tabled at the meeting, which included budget consultation feedback from scrutiny committees; members of the public; and the notes from the consultation meeting with external stakeholders.

In relation to the Business Rates Collection Funds (BRCF) operated by the District Councils, the Executive was advised that the collective position for the Council's share of the District Councils' BRCF had traditionally been a deficit in historic terms, mainly owing to the need to set aside provisions for appeals. The number of appeals against the more recent revaluation was considerably lower due to the introduction of a new appeals process. This had resulted in the District Councils re-evaluating the amount of provision to be set aside and this had resulted in a reduction in this sum. The reduction in the provision had, in turn, caused the District Councils' BRCFs to be in surplus for 2019/20.

The County Council's share of the collective surplus position was £6,156,613 for 2019/20 but this was a one-off gain based on a reassessment of an accounting estimate. The Executive supported the suggestion for a Business Rates Volatility reserve to be established for the County Council's share of the surplus for 2019/20 of Business Rates Collection Funds operated by the District Councils, which could then be used to offset Business Rates Collection Fund deficits in future years or for other purposes approved by the Council.

In response to a question, it was highlighted that the future certainty of the Better Care Fund beyond 2019/20 was still unknown, which presently amounted to circa £48m per year in Lincolnshire. It was hoped that the Green Paper: Future Funding of Adult Care would explain how the funding gap would be addressed but it was yet to be published. A further comprehensive spending review was also expected however the timing of this was also unknown. It was also highlighted that approximately 60% of the County Council's budget was now spent on Care Services (Adults and Children's).

It was highlighted that despite the proposed increase in council tax, Lincolnshire County Council remained in the lower quartile of upper tier councils for council tax in England.

RESOLVED

- (1) That the effect of the updated funding available and revenue expenditure as noted in paragraphs 1.3 to 1.19, and as detailed at Appendix A and Appendix B to the report, be noted.
- (2) That the Equality Impact Analysis, as detailed at Appendix C to the report, and the consultation comments as shown in Appendix I to the report and presented at the meeting be noted.
- (3) That, subject to recommendation 4 below, the following be recommended to the County Council for approval:
 - a) the revenue budget for 2019/20, as detailed in Table C of the *Further Update to the Council Budget 2019/20*;
 - b) the capital programme for 2019/20, as detailed at Table A and Appendix E to the report;

- c) the levels of council tax proposed in Table B of the report, including the increasing of council tax in 2019/20 by 4.95%;
- d) the prudential indicators for 2019/20, as detailed at Appendix G to the report; and
- e) the Flexible Use of Capital Receipts Strategy for 2019/20, as detailed at Appendix H to the report.

- (4) That the Leader of the Council be given delegated authority to review and amend the Executive's budget recommendations to the County Council, as appropriate, in light of the final Local Government Settlement, council tax and business rates information from the Lincolnshire District Councils if received between the Executive meeting and the County Council on 22 February 2019.
- (5) That a Business Rates Volatility reserve be established for the County Council's share of the surplus for 2019/20 in the Business Rates Collection Funds operated by the District Councils, which could then be used to offset Business Rates Collection Fund deficits in future years or for other purposes approved by the Council.

48 CAPITAL STRATEGY 2019/20

Consideration was given to a report from the Executive Director of Finance and Public Protection which advised that local authorities were required by the CIPFA [The Chartered Institute for Public Finance and Accountancy] Prudential Code to have a capital strategy in place by 1 April 2019. The Capital Strategy was detailed at Appendix A to the report.

The Head of Finance – Corporate presented the Capital Strategy in detail to the Executive and advised that the Strategy would be submitted to the meeting of County Council on 22 February 2019, as part of the report on the Council Budget 2019/20. The Executive was asked to recommend to the County Council the approval of the Capital Strategy.

The Chairman of the Overview and Scrutiny Management Board (OSMB) advised that the Board had considered the Executive report at its meeting on 31 January 2019 and had supported the recommendations in the report. Comments of the Board were circulated at the meeting.

The Chairman of the OSMB advised that the Board had recommended that scrutiny committees have the opportunity to consider capital programme information to ensure greater oversight and scrutiny of the capital programme. The Board also felt that there would be benefits of regular scrutiny and monitoring of the capital programme. The Board had also welcomed the proposals in the strategy for the Council to consider and approve a joint capital programme and revenue budget in February of each year, and for performance against the capital programme to be reported to the Board twice per year.

RESOLVED

That the Capital Strategy 2019/20 be recommended to full Council for adoption.

49 FUTURE OF THE HERITAGE SERVICE

Consideration was given to a report from the Interim Executive Director of Place which sought approval to conduct public consultation on proposed changes to the Council's Heritage Service based on a move to a cultural enterprise model.

The Chief Community Engagement Officer presented the report in detail to the Executive and in doing so advised that a cultural enterprise was an entrepreneurial organisation that delivered culture-based products and services to generate a profit (or a surplus if a not-for-profit or public body), which would then be used to ensure the enterprise's long-term sustainability and development. A cultural enterprise would require a culture of creativity, commercialisation and medium risk-taking.

This proposed change would involve moving from a 'microsite' to a 'supersite' approach. It was explained that a microsite was a museum, gallery or heritage site which offered a highly specialised collection whereas a supersite was a heritage site, gallery or museum that offered multiple experiences, including both permanent and temporary exhibitions and events, which enabled the broadest range of audiences to engage with the widest range of experiences, and which maximised the potential for income generation.

The proposed changes would include the creation of a new supersite at The Collection Museum and Art Gallery to add to the one at Lincoln Castle. The supersite model would be enhanced by the retention of three microsites at the Museum of Lincolnshire Life, the Battle of Britain Memorial and the Heckington Windmill. Under the proposed model, the Council would cease to operate the Usher Gallery as an art gallery but the art collection would remain within The Collection Museum and Art Gallery. The Council would return the operation of Gainsborough Old Hall to English Heritage. The Council would seek to transfer ownership and/or operation of remaining microsites at Discover Stamford, and Ellis Mill, Burgh le Marsh and Alford Windmills, but if that was not possible they would close as heritage attractions.

A ten-week public consultation was proposed to be held between 13 February 2019 and 24 April 2019.

During discussion on the report, the following points were noted: -

- Reductions in government funding, with increased demand on mandatory services, had left discretionary services such as the large majority of the Heritage Service at risk of cuts in service. The County Council has had to make savings of £130 million since 2015, as a result of central government cuts and had experienced a 38% reduction in its funding between 2009/10 and 2016/17 with cost pressures expecting to continue. The proposed changes

- were a step towards making the heritage service self-sufficient, and would ultimately help achieve savings of approximately £750,000 per year;
- The proposals identified a model which would enable continued public access to heritage, art and culture in a self-sustaining and affordable way;
 - The review of services and development of the detailed business case (DBA) had been carried out over a two year period. The Executive expressed its thanks to the Heritage Working Group for its input into the proposals. A full asset review had been carried out as part of the DBA;
 - Reference was made to the Lego Exhibition held at the Lincoln Castle in 2018, which had seen circa 500k visitors over a three month period. This was cited as a good example of a site offering multiple experiences.

The Chairman of the Public Protection and Communities Scrutiny Committee advised that the Committee had met on 22 January 2019 and considered a report on the Future of the Heritage Services. The Committee had supported the recommendations to conduct consultation on proposed changes to the Council's Heritage Service based on a move to a Cultural Enterprise Model. Comments of the Committee were circulated at the meeting.

The Committee had commented that the proposed changes were bold and ambitious and welcomed the commitment to develop a service which enabled the broadest range of audiences to engage with a wide range of heritage experience.

It was clarified that the under the proposals the Usher Gallery would no longer be operated by the County Council as an art gallery. It was proposed that many of the gallery's key art collections would be showcased at the Collection Museum and Art Gallery supersite and around the county. The Usher Gallery would continue to be leased by the County Council as it could potentially be used by other County Council departments with a public-facing role. One such use that could be considered was the use of the site for the Registrars and Celebration Service.

RESOLVED

- (1) That approval be given to the carrying out of a public consultation on the proposed changes set out in the Report to the Council's Heritage Service.
- (2) That delegated authority be given to the Interim Executive Director of Place, in consultation with the Executive Councillor for Culture and Emergency Services, to determine the detail of the consultation to include scope, timing, content and methodology.

50 ESTABLISHMENT OF A PROPERTY COMPANY

The Executive considered a report proposing the establishment by the County Council of a property company limited by shares.

The County Property Officer advised that the property company would be a subsidiary company of the County Council's holding company, Lincolnshire Future Ltd. As a subsidiary and as part of the Council's wider corporate group, the property

company would be bound by an overarching governance arrangement and there would be a consistent approach between the holding company, the property company and any other subsidiary company established in the future.

The property company would be established to deliver, among other things, a range of potential developments including specialist housing for alleviating budgetary pressures in respect of the provision of adult care. The property company would also enable the Council to stimulate and accelerate housing development in the greater Lincolnshire area at a time when there was a drive from central Government for local authorities to deliver housing in their communities. The Executive decided that the property company would be named: 'Lincolnshire County Property Ltd'.

The Chairman of the Overview and Scrutiny Management Board advised that the Board had considered the Executive report at its meeting on 31 January 2019, and had supported the proposals in the report. The comments of the Board were circulated at the meeting. The Board had considered the proposed company names and had also preferred 'Lincolnshire County Property Ltd'. The Board had received assurance that the property company would seek to work with district councils to develop opportunities collaboratively across the county.

RESOLVED

- (1) That approval be given to the establishment of a commercial trading property company which will be by limited by shares and 100% owned by Lincolnshire Future Ltd.
- (2) That the property company be named Lincolnshire County Property Ltd.
- (3) That delegated authority be given to the Executive Director of Finance and Public Protection, in consultation with the Leader of the Council and Executive Councillor for Resources and Communications, to complete all legal matters to enable the company to be established including approval of the final form of all necessary legal documentation and the appointment of Directors as well as the Council's representative in relation to the Company.

51 FINAL DRAFT COUNCIL BUSINESS PLAN 2019 - 2020

A report from the Head of Paid Service was considered, which presented the outcomes and measures that were the final draft Council Business Plan, as detailed at Appendix A to the report.

The Executive was advised that the Council Business Plan formed part of the Budget and Policy Framework and must be approved by County Council. Therefore the Executive was asked to recommend to County Council the approval of the Council Business Plan at its meeting on 22 February 2019.

It was queried why the measure relating to the *Public Services Network connection compliance* was marked as not achieved, when in the text it had indicated it was compliant. The Equalities and Performance Manager agreed to investigate this.

The Chairman of the Overview and Scrutiny Management Board advised that the Board had considered the Executive report at its meeting on 31 January 2019 and had supported the recommendations in the report. The comments of the Board were circulated at the meeting for consideration by the Executive.

A discussion took place regarding Measure 63 – *Adults who receive a direct payment*, where it was advised that this measure had stabilised, but was difficult to achieve as not everyone would necessarily want a direct payment depending on their circumstances. For example the over 85 year's cohort had shown significantly less interest compared to other adults.

RESOLVED

- (1) The approval be given in principle to the recommendation of outcomes and measures generally, as specified in Appendix A to the report, as the Council Business Plan for 2019 – 2020.
- (2) The Leader of the Council be delegated authority to determine any changes to the said outcomes and measures to be finally recommended to full Council following discussion with Executive Councillors.

The meeting closed at 12.10 pm.

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**Open Report on behalf of Andy Gutherson,
Interim Executive Director for Place**

Report to:	Executive
Date:	05 March 2019
Subject:	The Lincolnshire County Council A46 Dunholme and Welton Junction Improvement Land Acquisition and associated Orders
Decision Reference:	I017098
Key decision?	Yes

Summary:

The purpose of this report is to seek the Executive's approval to proceed with the making of the Compulsory Purchase Order and Side Roads Order for the Dunholme and Welton Junction Improvement Scheme ("the Scheme"). The Compulsory Purchase Order is required to enable land and any other interest in the land not within the ownership or control of the County Council to be acquired to allow the Scheme to be built. The Side Roads Order will enable work to be carried out on existing highways and to alter private means of access of adjacent premises to enable the Scheme to be built. Planning Permissions for the Scheme have been granted. These are detailed in the report below.

Recommendation(s):

1. That Lincolnshire County Council make a Compulsory Purchase Order under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 generally in the form as set out in Appendices A and B to this report to secure the compulsory acquisition of the land shown coloured pink on the Order plans at Appendix C and the new rights over the land shown coloured blue on the said Order plans on the basis that there is a compelling case in the public interest for making this Order.
2. That Lincolnshire County Council make a Side Roads Order under sections 14 and 125 of the Highways Act 1980 generally in the form as set out in Appendices D and E to this report to enable works to be carried out to existing highways and private means of access which are necessary to enable the Scheme to be built.
3. That the draft Statements of Reasons for the above mentioned Orders set out in Appendix F be approved in principle.

4. That authority be given to the Interim Executive Director for Place to make, if necessary, any minor or technical amendments to the Order referred to in paragraph (1) and (2) above or to the Statements of Reasons referred to in paragraph (3) above prior to publication of the Orders.
5. That authority be given to the Chief Legal Officer to seal the Orders and to take all the ancillary or necessary steps, including the publication and service of all statutory notices and presentation of the County Council's case at any Public Inquiry, to secure the confirmation of the Orders by the Secretary of State and the vesting of the land in the County Council.
6. That authority be given to the Interim Executive Director for Place to request confirmation of the Order with modifications, if, in the light of new information, it appears expedient for the confirmation of the Order.
7. That authority be given to the Chief Legal Officer to acquire all third party interests in the land and properties subject to the Compulsory Purchase Order (whether compulsorily or by agreement) on terms recommended by the Interim Executive Director for Place.

Alternatives Considered:

- | | |
|----|--|
| 1. | <p>Not to proceed to the making of the Orders.</p> <p>There are significant benefits in the public interest to proceeding with the Scheme both in terms of dealing with an existing traffic problem which is resulting in unsafe driving conditions and the ability to allow for future growth of the surrounding villages to provide additional dwellings. These are dealt with in detail in the Report. Not to proceed would mean that these benefits would not be realised.</p> <p>The making and confirmation of the Orders referred to in the Recommendations are necessary to ensure that land is acquired and associated rights and encumbrances are properly dealt with in a way which is most efficient for the delivery of the Scheme.</p> |
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Reasons for Recommendation:

To ensure the Scheme is progressed and to comply with all the necessary statutory requirements for the construction of the Scheme.

For the reasons set out in the Report and the Statement of Reasons in Appendix F to the Report there are compelling reasons in the public interest for the exercising of the relevant powers and the making of the Orders referred to in the Recommendations.

1. Background

Scheme Description

- 1.1 The location for the Scheme is approximately 4.5 miles to the north east of Lincoln near to the villages of Welton and Dunholme. The surrounding area is principally in agricultural use through which the current A46 Welton Road and Lincoln Road run. The only non-agricultural activity in the vicinity is the commercial area in use for a variety of purposes.
- 1.2 It is proposed to construct a new 60m roundabout on the existing A46 Welton Road at Dunholme to replace the existing T-junction arrangement where Lincoln Road and Welton Road meet adjacent to the commercial premises at Centurion Garage. The roundabout will be offset to the west of the A46 and will require the diversion of the access roads from the A46 and the Lincoln Road from their current routes to connect with it.
- 1.3 Planning permission was sought and granted on 5 February 2018 for the construction of the 60m roundabout, the realignment and improvement works to the A46 junction and the diversion of the access roads.
- 1.4 The commercial premises at Centurion Garage consist of a number of buildings that are in different uses. These consist of a car wash and a used car dealer, both of which front onto the A46 Welton Road with Centurion Garage behind fronting onto Lincoln Road and a permitted telecoms tower. There are two access points directly off the site onto the A46 Welton Road and two additional access points from Lincoln Road.
- 1.5 As part of the Scheme proposals the current access arrangements into the commercial premises will need to be altered for safety reasons. As previously stated the commercial premises have two access points directly onto the A46 and two onto Lincoln Road. In order to accommodate all of the businesses separate rights of access it has been necessary to provide private means of access into the commercial premises where the business interests lies. With the provision of a new access road to the north of the commercial premises and a new access from Lincoln Road, planning permission was sought and granted on 1 October 2018 for this new arrangement.
- 1.6 The Scheme will also affect three agricultural access arrangements, two on Lincoln Road (one on the east and one on the west) and one opposite the commercial site on the A46. With the landowners consent it is proposed to close the access onto the A46 and western access onto Lincoln Road and no new private means of access will be provided. The eastern access onto Lincoln Road will be re-provided off the new access road that forms part of the former Lincoln Road.

- 1.7 The Scheme will affect a public right of way, a public footpath that emerges from the field access onto the A46. It is proposed to divert the public footpath along the grass verge adjacent to the A46 and to provide for a safer crossing point at the splitter islands adjacent to the roundabout.
- 1.8 The Scheme will also change the vertical alignment of the A46 with the lowering of the carriageway to enhance the visibility to and from the junction.
- 1.9 In drawing up the detail of the planning application and in producing the Orders in respect of the Scheme a matter has been identified which has to be addressed as part of the consideration of the construction of the Scheme itself. It has been identified that there is a covenant on part of the land required for the Scheme restricting its use and that will need to be removed prior to the Scheme being constructed. The covenant has been formally released in writing by the Ministry of Defence and is therefore no longer of any effect. The beneficiary of the covenant would not therefore be able to enforce it against the Council. There remains an administrative process to follow to have the covenant formally removed from the documentary register and the Land Registry has been approached to carry that out. As presently advised that is still on-going but that administrative process does not affect the ability of the Council to proceed with the promotion of the Scheme.

2. Transport problems and issues

- 2.1 The current T-junction is very busy at peak periods with traffic often queuing to exit the junction from the Lincoln Road onto Welton Road heading towards Lincoln. This is due to a combination of factors including the junction operating at over capacity; poor visibility due to the road alignment and traffic emerging over the crest of a hill to the east of the junction; the close proximity of the accesses into the adjacent commercial premises with drivers signalling to turn into the premises creating confusion to other road users.
- 2.2 The accident record for the junction is an indication of a serious problem that requires a remedy. There have been 25 accidents in the vicinity of the junction for the five year period ending on 31 August 2018, 17 at the junction itself, 16 slight and 1 serious. The remainder were on the various approach roads close to the junction. The majority were in dry weather. A record of 17 accidents in one location or 4 per year within a five year period indicates a high accident record.
- 2.3 The Central Lincolnshire Local Plan, which was adopted in April 2017, allocates a number of sites in and around the villages of Welton and Dunholme for residential development which will provide a total of around 850 additional units. Given the location of these sites it is probable that a significant proportion of any traffic being generated by those sites will use the A46 Lincoln Road junction for part of its journey.
- 2.4 An analysis has been undertaken to model and examine the situation should that junction be used as anticipated with the additional development in

place. The results show that with the junction as it currently exists on the A46 Welton Road would continue to operate but that Lincoln Road would cease to be effective. The growth ambitions cannot be met without the improvement of this junction which will allow for the additional movements.

3. Scheme objectives

- 3.1 The issues referred to in section 2 above are reflected in the objectives of the Scheme which are as follows;-

Objective 1 – to improve and enhance the safety of the junction with the improvement of the visibility through changes to the vertical and horizontal alignments and the closure of the adjacent accesses on the commercial site to remove any driver confusion.

Objective 2- to improve congestion with the reduction in queue lengths at the junction.

Objective 3- to contribute to the growth of the area and to address future traffic growth associated with the increase in the proposed residential developments in the area.

4. Land acquisition

- 4.1 The extent of the freehold land and land over which rights are required to construct the Scheme are shown on the Order plan (Appendix C). The land is predominantly arable farmland in two ownerships and a commercial premise where there are three leasehold ownerships. The use of Compulsory Purchase Order powers allow for the acquisition of the land and the new rights needed and ensure that the land will be available to the County Council for the Scheme.
- 4.2 Discussions to obtain land by agreement have begun and are progressing and the County Council may not need to rely upon its compulsory purchase power to acquire the land. However should any issues arise with purchasing by agreement, the County Council will have the fall back position of utilising these powers should the need arise, which is the only way to guarantee the Scheme can be built.

5. The Orders and overview of the Statement of Reasons.

- 5.1 The Orders to be made are as follows;-

- 5.1.1 The County Council will make and promote the Lincolnshire County Council (A46 Dunholme and Welton Junction) Compulsory Purchase Order 2019. This order contains the provision for the compulsory acquisition of land and any other interest in the land that is not within the control of the County Council to be acquired to permit the Scheme to be carried out.

- 5.1.2 In addition to promoting a Compulsory Purchase Order, the County Council will make the Lincolnshire County Council (A46 Dunholme and Welton Junction)(Classified Road) Side Roads Order 2019 in order to carry out works to existing highways as well as private means of access and rights of way which are necessary to enable the Scheme to be constructed. The Side Roads Order will be made using the County Council's statutory powers.
- 5.2 A Statement of Reasons ("SoR") has been prepared which sets out the reasons for building the Scheme and explains the need for the Compulsory Purchase Order and Side Road Order to enable land and any other interest in the land that is not within the ownership or control of the County Council to be acquired to permit the Scheme to be carried out. This can be found in draft at Appendix F.
- 5.3 The current draft documents comprising the Compulsory Purchase Order can be found at Appendices A, B and C to this Report. The current draft of the Side Road Order with its draft plans can be found at Appendices D and E to this Report.
- 5.4 All of the orders are in draft form and are subject to amendment in order to make technical adjustments or to accommodate changes to the Scheme in the light of changing circumstances.
- 5.5 To give the necessary flexibility to progress the Scheme in an efficient and timely manner a delegation is sought to the Interim Executive Director for Place to make the necessary changes prior to publication of the Order and during the process of seeking their confirmation.

6. The need and justification of the Compulsory Purchase Order

- 6.1 The draft Compulsory Purchase Order can be found at Appendix A, B and C.
- 6.2 The purpose of seeking to acquire land and new rights compulsorily is to enable the Scheme to be constructed. These proposals would enable the County Council to meet its statutory purposes and highway objectives within the shortest realistic timescale in the most appropriate way.
- 6.3 The County Council recognises that a Compulsory Purchase Order ("CPO") for the Scheme can only be made if there is a compelling case in the public interest which justifies the acquisition of private rights and interests in land and the creation of new rights sought to be acquired. A compelling case exists here as set out in the SoR. A CPO is necessary and justifiable in the public interest.
- 6.4 The County Council would be making the Order to secure the outstanding interests and new rights required to enable implementation of the Scheme, which is necessary to achieve the County Council's objectives for the area. Discussions have taken place with land owners and the owners of relevant

interests in an attempt to reach agreement but the CPO remains necessary to ensure that the Scheme can proceed.

7. The need and justification of the Side Roads Order

- 7.1 The purpose of the Side Roads Orders ("SRO") is to maintain access to all land and property directly affected by the Scheme and to make necessary changes to the highway network. In order to build the new road, it is necessary to improve, or stop up existing highways and construct new highways to link into the new road. It will also be necessary to stop up some existing private means of access to land or premises and to replace those where necessary with new means of access. To enable it to carry out those works the County Council is promoting the SRO.
- 7.2 The draft SRO can be found in Appendices D and E.

8. Programme

- 8.1 The Scheme is currently programmed on the assumption that property is acquired by negotiation and under these circumstances work can begin on site in Spring 2020 and with an anticipated start date of Summer 2020 should the Orders be opposed.
- 8.2 The Executive should be aware that an objection to the Orders may give rise to a public inquiry for which the County Council will bear the costs. The approximate timescales if a public inquiry is held are:-
- Serve Orders- April 2019
 - Objection period ends- June 2019
 - Secretary of State identifies the need for a public inquiry- August 2019
 - Serve all necessary documents- September 2019
 - Public Inquiry- December 2019
 - Inspectors Report- January 2020
 - Secretary of State's decision- February 2020
 - Publish Notices confirming decision- March 2020
 - Objection period ends- April 2020
 - Notice to Treat and Notices of Entry – May 2020
 - Commence on Site- June 2020

9 Funding of the Scheme

- 9.1 The estimated costs of the Scheme are over £5m. Of this £2m will be provided from the National Product Investment Fund (NPIF) and £1.1m from S106 agreement contribution funding. The County Council will fund the remainder of the scheme.

10. Legal Issues

Human Rights

10.1 The County Council has addressed the implications arising from the Scheme in respect of the Human Rights Act 1998. The Human Rights Act 1998 incorporated the European Convention on Human Rights (the “Convention”) into domestic law. The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

10.2 In resolving to make the Orders, the County Council has carefully considered the rights of property owners under the Convention against the wider public interest.

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

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

10.4 *Article 6.*

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

10.5 *Article 8.*

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

10.6 *Article 14.*

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

10.7 The European Court of Human Rights has recognised that “regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community”. Both public and private interests are to be considered in the exercise of the County Council’s powers and duties as a local authority. Any interference with a Convention right must be necessary and proportionate.

10.8 In light of the significant public benefit which would arise from the implementation of the Scheme, the County Council has concluded that it would be appropriate to make the Orders. It does not regard the Orders as constituting any unlawful interference with individual property rights.

10.9 In addition to the publicity and consultation on the planning application for the Scheme, all known owners and occupiers of land within the Order Land have been contacted regarding the Scheme. Further representations can be made by way of objections to the Orders in the context of any public inquiry that the Secretary of State decides to hold in connection with the Orders. Those parties, whose interests are acquired under the CPO, will be able to claim compensation under the relevant provisions of the Compensation Code.

11. Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

An impact analysis has not been undertaken specifically in relation to the making of a Compulsory Purchase Order and Side Roads Order. These relate ultimately to land transactions and are subject to statutory processes and are therefore considered to be neutral in their impact on persons with a protected characteristic.

In terms of the scheme itself, all design complies with national design standards including the relevant requirements and guidance in relation to accessibility.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

Consideration has been given to the JSNA and the JHWS and as can be seen from the Objectives of the scheme set out in paragraph 3.1 the Scheme will improve safety and reduce queuing at the location which should both have a positive effect on health and wellbeing

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

These issues have been considered but there are not considered to be any direct implications for crime and disorder.

12. Conclusion

- 12.1 The need for the Scheme and the benefits it will bring are widely recognised and that has been reflected in the grant of planning consent. The proposal fits well within the applicable policy and is supported at both local and national level.
- 12.2 For the reasons set out in the Report and the Statement of Reasons, there is a compelling case in the public interest for the Scheme and for the making of a Compulsory Purchase Order and Side Roads Orders in order to give effect to the scheme.
- 12.2 For the reasons set out in the Report and in the draft Statement of Reasons a compelling case exists in the public interest for the Scheme and for the making of a Compulsory Purchase Order and Side Roads Orders in order to give effect to the Scheme.

3. Legal Comments:

The legal basis for the recommendations and the matters to be taken into account by the Executive in reaching a decision are set out in detail in the body of the Report.

The decision is consistent with the Policy Framework and within the remit of the Executive.

4. Resource Comments:

This scheme forms part of the Councils approved capital programme, the current budget for the scheme totals £4.9m.

Overall £1.1m will be met from S106 contributions (forward funded by the Council), £2m from the Department for Transport's (DfT) National Product and Investment Fund (NPIF) and the remaining will be funded by Integrated Transport Grant.

5. Consultation

a) Has Local Member Been Consulted?

Yes

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The Highways and Transport Scrutiny Committee met on 21 January 2019 and considered an update report on *A46 Dunholme and Welton Junction Scheme*. The Committee highlighted the following points for consideration: -

- The effect the Scheme would have on adjacent local businesses. Officers explained how the businesses would be accessed when the Scheme was completed. The existing access and egress would be too dangerous for users if they remained open and the new accesses would be safer and might lead to increase in trade.
- The project was expensive and it was suggested that the junction arrangement used at Drinsey Nook junction on the A57 could be used for this Scheme. Officers explained the cost of the Scheme and that some of the costs would be met by s106 planning agreement contributions from local developers. The scheme would be safer for motorists as the junction currently has a poor accident record and further housing development was expected in the area which would lead to an increase in the usage of this junction. The cost included the reduction in the height of the hill on the approach to the junction by approximately 2 metres.

d) Have Risks and Impact Analysis been carried out?

Yes

e) Risks and Impact Analysis

See the main body of the Report. A risk register for the scheme has been reviewed and is updated at key stages of the scheme.

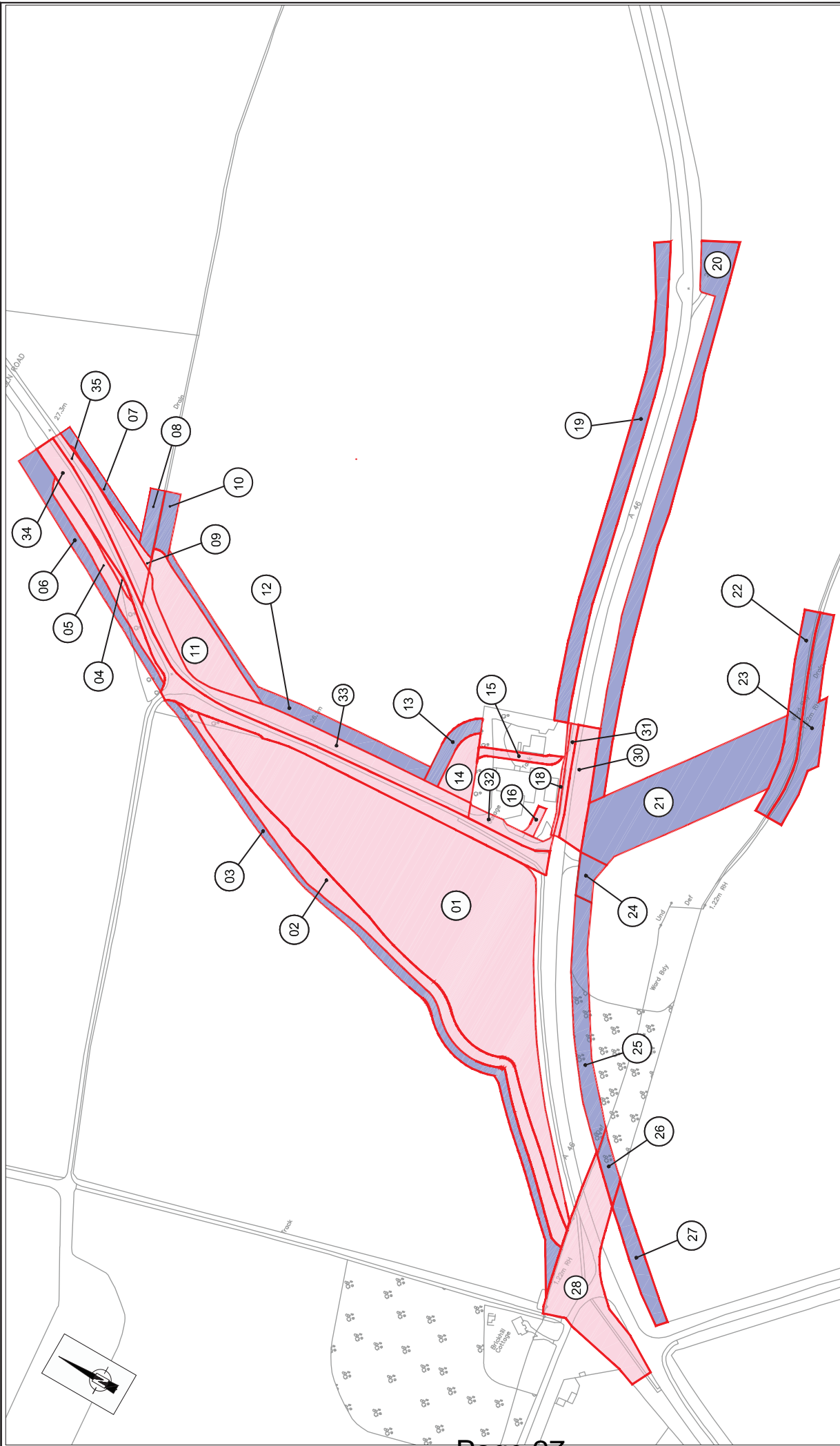
6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Draft Lincolnshire County Council (A46 Dunholme and Welton Junction) Compulsory Purchase Order 2019
Appendix B	Draft Schedule to the Lincolnshire County Council (A46 Dunholme and Welton Junction) Compulsory Purchase Order 2019
Appendix C	Draft plans to the Lincolnshire County Council (A46 Dunholme and Welton Junction) Compulsory Purchase Order 2019
Appendix D	Draft Lincolnshire County Council (A46 Dunholme and Welton Junction)(Classified Road)(Side Roads) Order 2019
Appendix E	Draft plans to the Lincolnshire County Council (A46 Dunholme and Welton Junction)(Classified Road)(Side Roads) Order 2019 <i>(Please note that owing to the size of this document, it is also available to view in hardcopy format in Democratic Services, Room 6, County Offices)</i>
Appendix F	Draft Statement of Reasons to accompany the Compulsory Purchase Order and Side Roads Order

7. Background Papers

Document title	Where the document can be viewed
PL/0113/17: Planning Permission to construct a 60m diameter roundabout along with associated works at the junction of A46 Welton Road and Lincoln Road	http://lincolnshire.planning-register.co.uk/Planning/Display?applicationNumber=PL%2F0113%2F1
PL/0080/18: Planning Permission for the construction of a northern and southern access into a commercial site at the junction of A46 Lincoln Road Dunholme	http://lincolnshire.planning-register.co.uk/Planning/Display?applicationNumber=PL%2F0080%2F18

This report was written by Charlotte Hughes, who can be contacted on 01522 555586 or charlotte.hughes@lincolnshire.gov.uk .



DWG. No. D/HCAPR0024 / 01 / CPO / 100 - Rev: A1

The map referred to in the Lincolnshire County Council
 (A46 DUNHOLME AND WELTON JUNCTION)
 Compulsory Purchase Order 2019



Overview Plan
 Scale 1:2500

Scale 1:2500
 (@ A3)

(Do not scale from this drawing)

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Appendix B to Executive Report

THE LINCOLNSHIRE COUNTY COUNCIL (A46 DUNHOLME AND WELTON JUNCTION) COMPULSORY PURCHASE ORDER 2019

The Highways Act 1980 and the Acquisition of Land Act 1981

The Lincolnshire County Council (in this order called "the acquiring authority") makes the following order;

- 1 Subject to the provisions of this order, the acquiring authority is under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 hereby authorised to purchase compulsorily the land and the new rights over land described in paragraph 2 for the purposes of:-
 - (i) The widening and improvement of highways maintainable at public expense known as Lincoln Road, and A46 Welton Road, Dunholme in West Lindsey District in the County of Lincoln;
 - (ii) The improvement of existing highways in the vicinity of the routes of the above mentioned highways in pursuance of the Lincolnshire County Council (A46 Dunholme and Welton Junction)(Classified Road)(Side Roads) Order 2019;
 - (iii) The construction of a roundabout;
 - (iv) The construction of highways to connect to the above mentioned highway within the existing road system at the junction of Lincoln Road and A46 Welton Road
 - (v) The provision of new means of access to premises in pursuance of the Lincolnshire County Council (A46 Dunholme and Welton Junction)(Classified Road) (Side Roads) Order 2019;
 - (vi) The diversion of watercourses and the carrying out of other works on watercourses in connection with the construction and improvement of highways as aforesaid;
 - (vii) The use of land in connection with the construction and improvement of highways and the provision of new means of access to the premises and the carrying out of works authorised under the Lincolnshire County Council (A46 Dunholme and Welton Junction)(Classified Road)(Side Roads) Order 2019; and
 - (viii) Mitigating the adverse effects with the existence or use of the highways proposed to be constructed or improved will have on the surroundings thereof
- 2 (1) The land authorised to be purchased compulsorily under this order is the land described in the Schedule and delineated and shown coloured pink on a map prepared in duplicate, sealed with the Common Seal of the acquiring authority and marked "Map referred to in the Lincolnshire County Council (A46 Dunholme and Welton Junction) Compulsory Purchase Order 2019" . One duplicate map is deposited in the offices of the acquiring authority and the other deposited in the offices of the Secretary of State for Transport

(2) The rights to be acquired compulsorily over land under this order are described in the Schedule and the land is shown blue on the said map

3 Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 are hereby incorporated in this Order subject to the modification that references in the said Parts of the said Schedule to the undertaking shall be construed as references to the land authorised to be acquired or, as the case may be, to the land over which rights are authorised to be acquired and any buildings or works to be constructed thereon.

This order does not include land falling within special categories to which section 17(2), 18 or 19 of the Acquisition of Land Act 1981 applies

Date 2019

The COMMON SEAL of LINCOLNSHIRE COUNTY COUNCIL was hereunto affixed in the presence of

Authorised Officer

DRAFT

Table 1

Number on Map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
In Dunholme Parish in the District of West Lindsey					
01	All interests in 20,740 square metres of arable land, forming part of Dunholme Lodge.	Hugh Donald Wykes of Dunholme Lodge, Dunholme, Lincoln LN2 3QA and Brian David Wykes of Field House, Lincoln Road, Welton LN2 3PZ		Harry Willows and Steven Skinner trading as Harry Willows of Cliff Farm, South Carlton, Lincoln LN1 2RW	Tenant
02	All interests in 3,949 square metres of arable land, forming part of Dunholme Lodge.	Hugh Donald Wykes of Dunholme Lodge, Dunholme, Lincoln LN2 3QA and Brian David Wykes of Field House, Lincoln Road, Welton LN2 3PZ		Harry Willows and Steven Skinner trading as Harry Willows of Cliff Farm, South Carlton, Lincoln LN1 2RW	Tenant
03	A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter onto and remain upon the land for the purposes of undertaking the works to construct an adjacent ditch and headwalls and for the temporary storage of soil and arisings. in 2,735 square metres of arable land forming part of Dunholme Lodge	Hugh Donald Wykes of Dunholme Lodge, Dunholme, Lincoln LN2 3QA and Brian David Wykes of Field House, Lincoln Road, Welton LN2 3PZ		Harry Willows and Steven Skinner trading as Harry Willows of Cliff Farm, South Carlton, Lincoln LN1 2RW	Tenant
04	All interests in 125 square metres of arable land, forming part of Dunholme Lodge.	Hugh Donald Wykes of Dunholme Lodge, Dunholme, Lincoln LN2 3QA and Brian David Wykes of Field House, Lincoln Road, Welton LN2 3PZ		Harry Willows and Steven Skinner trading as Harry Willows of Cliff Farm, South	Tenant

Number on Map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
				Carlton, Lincoln LN1 2RW	
05	All interests in 1,086 square metres of arable land, forming part of Dunholme Lodge.	Hugh Donald Wykes of Dunholme Lodge, Dunholme, Lincoln LN2 3QA and Brian David Wykes of Field House, Lincoln Road, Welton LN2 3PZ		Harry Willows and Steven Skinner trading as Harry Willows of Cliff Farm, South Carlton, Lincoln LN1 2RW	Tenant
06	A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter onto and remain upon the land for the purposes of undertaking the works, to construct an adjacent ditch and headwalls and for the temporary storage of soil and arisings in 1,406 square metres of arable land, forming part of Dunholme Lodge	Hugh Donald Wykes of Dunholme Lodge, Dunholme, Lincoln LN2 3QA and Brian David Wykes of Field House, Lincoln Road, Welton LN2 3PZ		Harry Willows and Steven Skinner trading as Harry Willows of Cliff Farm, South Carlton, Lincoln LN1 2RW	Tenant
07	(a) The right to drain (b) A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter onto and remain upon the land for the purposes of undertaking the works, to construct a ditch and the temporary storage of soil and arisings. in 525 square metres of arable land, on the eastern side of Lincoln Road	Hugh Donald Wykes and Brian David Wykes of Dunholme Lodge, Dunholme, Lincoln LN2 3QA			Freeholders
08	(a) All necessary rights to construct, support and attach (including attachment of support) for a headwall and bank	Hugh Donald Wykes and Brian David Wykes of Dunholme Lodge, Dunholme, Lincoln			Free holders

Number on Map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
	<p>strengthening</p> <p>(b) A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter onto and remain upon the land for the purposes of undertaking the works to construct the works and for the temporary storage of soil and arisings and thereafter to inspect, renew, repair and maintain the works</p> <p>(c) The right to drain</p> <p>(d) The right to cleanse, widen and deepen the ditch being partly ditch and partly arable land</p> <p>in 428 square metres of arable land</p>	LN2 3QA			
09	All interests in 195 square metres of arable land on the eastern side of Lincoln Road	Hugh Donald Wykes and Brian David Wykes of Dunholme Lodge, Dunholme, Lincoln LN2 3QA			Freeholders
10	<p>(a) All necessary rights to construct, support and attach (including attachment of support) for a headwall, bank strengthening</p> <p>(b) A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter onto and remain upon the land for the purposes of undertaking the works, to construct a ditch on adjacent land and thereafter to inspect, renew, repair and maintain and the temporary storage of the arisings</p> <p>(c) The right to drain</p> <p>(d) The right to cleanse, widen and maintain the</p>	Kathleen Monica Bourn of Navarino, Louth Road, Wragby LN8 5PH			Freeholder

Number on Map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
	ditch being partly ditch and partly arable land in 438 square metres of arable land				
11	All interests in 2,633 square metres of arable land adjoining Lincoln Road on the east.	Kathleen Monica Bourn of Navarino, Louth Road, Wragby LN8 5PH			Freeholder
12	A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter onto and remain upon the land for the purposes of constructing the adjacent ditch headwalls and for the temporary storage of the arisings in 1,675 square metres of arable land adjoining Lincoln Road on the west	Kathleen Monica Bourn of Navarino, Louth Road, Wragby LN8 5PH			Freeholder
13	A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter onto and remain upon the land for the purposes of the construction of the adjacent swale and headwall, landscaping and for the temporary storage of the arisings in 557 square metres of arable land.	Kathleen Monica Bourn of Navarino, Louth Road, Wragby LN8 5PH			Freeholder
14	All interests in 761 square metres of land currently used as arable farm land.	Kathleen Monica Bourn of Navarino, Louth Road, Wragby LN8 5PH			Freeholder
15	All interests in in 313 square metres of land currently used as the rear yard of the property	Premier Housing (Bradford) Ltd (Co Reg. No 04126483) whose registered address is 2 Princeville Road, Bradford, West Yorkshire	Motor Wise Vehicles Limited (Co Reg. No. 08888488) whose registered office is		Part unoccupied Lessee of part (Motor Wise)

Number on Map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
		BD7 2AR	Lincoln Road, Dunholme, Lincoln, LN2 3QE. The Secretary of Hutchinson 3 G UK Limited (Co Reg. No. 03885486) whose registered address is Star House, 20 Grenfell Road Maidenhead, Berkshire BL6 1EH		
16	A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter and remain upon the land at all time for the purposes of undertaking the works in 121 square metres of the of the property	Premier Housing (Bradford) Ltd (Co Reg. No. 04126483) whose registered address is 2 Princeville Road, Bradford, West Yorkshire BD7 2AR			Unoccupied
18	All interests in 152 square metres of grass verge.	Unknown	Reputed lessee the former company formerly known as AMS Carwash Ltd (Co. Reg. No. 05735010) formerly of 190 Billet Road London E17 5DX		Unoccupied
19	A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter onto and remain upon the land for the purposes of undertaking the works and the temporary storage of soil and arisngs	Kathleen Monica Bourn of Navarino, Louth Road, Wragby LN8 5PH			Freeholder

Number on Map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
	in 3,319 square metres of arable land				
20	A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter onto and remain upon the land for the purposes of undertaking the works and for the temporary storage of soil and arisings in 4,239 square metres arable land.	Kathleen Monica Bourn of Navarino, Louth Road, Wragby LN8 5PH			Freeholder
21	(a) The right to lay, renew, relay, maintain a positive drainage 225mm diameter pipe and approximately 147 metres long, (b) All necessary rights to construct, support and attach (including attachment of support) for a headwall and drainage pipe (c) The right to drain (d) A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter onto and remain upon the land for the purposes of undertaking constructing a ditch on adjacent land and for the temporary storage of soil and arisings (e) The right to increase soil levels to provide adequate cover over the drainage pipe in 5,783 square metres of land lying to the south of the A46 Welton Road and forms part of arable land.	Kathleen Monica Bourn of Navarino, Louth Road, Wragby LN8 5PH			Freeholder
22	(a) All necessary rights to construct, support and attach (including attachment of support) for a headwall, and	Kathleen Monica Bourn of Navarino, Louth Road, Wragby LN8 5PH			Freeholder

Number on Map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
	<p>drainage pipe approximately 12m</p> <p>(b) The Right to drain</p> <p>(c) The right to cleanse, widen and deepen the ditch being partly ditch and partly arable land</p> <p>(d) A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter onto and remain upon the land for the purposes of undertaking the works the temporary storage of soil and arisings</p> <p>In 1,455 square metres of land lying to the south of the A46 Welton Road and forms part of arable land</p>				
24	<p>(a) A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter onto and remain upon the land for the purposes of undertaking the works and temporary storage of the arisings.</p> <p>in 379 square metres of land lying to the south of the A46 Welton Road and forms part of arable land</p>	Kathleen Monica Bourn of Navarino, Louth Road, Wragby LN8 5PH			Freeholder
25	<p>A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter onto and remain upon the land for the purposes of undertaking the works</p> <p>in 1,830 square metres of woodland and the temporary of the arisings.</p>	Kathleen Monica Bourn , Navarino, Louth Road, Wragby LN8 5PH			Freeholder
30	All interests in 1,256 square metres of half width of Welton Road	Kathleen Monica Bourn , Navarino, Louth Road,			Lincolnshire County Council as

Number on Map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
		Wragby LN8 5PH			highway authority
31	All interests in 313 square metres of half width of Lincoln Road	Unknown			Lincolnshire County Council as highway authority
32	All interests in 521 square metres of half width of Lincoln Road	Premier Housing (Bradford) Ltd (Co Reg. No. 04126483) whose registered address is 2 Princeville Road, Bradford, West Yorkshire BD7 2AR			Lincolnshire County Council as highway authority
33	All interests in 2,813 square metres of half width of Lincoln Road	Kathleen Monica Bourn, Navarino, Louth Road, Wragby LN8 5PH			Lincolnshire County Council as highway authority
34	All interests in 4,531 square metres of half width of Lincoln Road	Hugh Donald Wykes and Brian David Wykes of Dunholme Lodge, Dunholme, Lincoln LN2 3QA			Lincolnshire County Council as highway authority
35	All interests in 1,173 square metres of half width of Lincoln Road	Hugh Donald Wykes and Brian David Wykes of Dunholme Lodge, Dunholme, Lincoln LN2 3QA			Lincolnshire County Council as highway authority
In Scothern Parish in the District of West Lindsey					
23	(a) All necessary rights to construct, support and attach (including attachment of support) for strengthening of existing ditch. (b) Right to drain (c) The right to cleanse, widen and deepen the ditch being partly ditch and partly arable land (d) A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter	Kathleen Monica Bourn, Hugh Christopher Bourn and Edward James Bourn of Navarino, Louth Road, Wragby LN8 5PH			Freeholders

Number on Map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
	<p>onto and remain upon the land for the purposes of undertaking the works</p> <p>(e) The Temporary storage of soil and arisings</p> <p>in 1,699 square metres of land lying to the south of the A46 Welton Road and forms part of arable land.</p>				
26	<p>A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter onto and remain upon the land for the purposes of undertaking the works and the temporary storage of soil and arisings</p> <p>in 370 square metres of woodland</p>	Kathleen Monica Bourn of Navarino, Louth Road, Wragby LN8 5PH			Freeholder
27	<p>A right of way including workmen, construction equipment, plant machinery, apparatus and materials to enter onto and remain upon the land for the purposes of undertaking the works and the temporary storage of soil and arisings</p> <p>in 945 square metres of woodland</p>	Kathleen Monica Bourn, Hugh Christopher Bourn and Edward James Bourn of Navarino, Louth Road, Wragby LN8 5PH			Freeholders
28	All interests in 4,013 square metres of land (except those interests owned by the acquiring authority)	Lincolnshire County Council as highway authority of County Offices , Newland, Lincoln LN1 1YL			Unoccupied

Table 2

Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2	
	Name and Address	Description of interest to be acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
In Parish of Dunholme in The District of West Lindsey				
01	-	-	The Poor of the Parish of Dunholme	Covenant to make the payment of sixteen shillings per annum to the poor of the Parish of Dunholme (if any such payment is lawfully demanded) referred to in a Conveyance dated 28 July 1954 registered under LL317763
	-	-	-	-
	Kathleen Bourn Monica	Right of Pre-Emption contained in a deed dated 31 October 2008 registered under title LL317763	-	-
02	As plot 01	As plot 01	As plot 01	As plot 01
03	As plot 01	As plot 01	As plot 01	As plot 01
04	As plot 01	As plot 01	As plot 01	As plot 01
05	As plot 01	As plot 01	As plot 01	As plot 01
06	As plot 01	As plot 01	As plot 01	As plot 01
07	Kathleen Bourn Monica	Right of Pre-Emption contained in a deed dated 31 October 2008 registered under title LL125349	-	-
08	As plot 07	As plot 07	As plot 07	As plot 07
09	As plot 07	As plot 07	As plot 07	As plot 07
10	As plot 11	As plot 11	As plot 11	As plot 11
11	Royal Bank of Scotland PLC (Co. Reg. No. SC90312) whose registered office is 36 St Andrews Square, Edinburgh EH2 2YB and whose correspondence address is Credit	As mortgagee in respect of the Legal Charge dated 22 October 2009 registered under title LL302594	-	-

Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2	
	Name and Address	Description of interest to be acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
	Documentation PO Box 339, Manchester, M60 2AH -	-	The Poor of the Parish of Dunholme	Covenant to make the payment of sixteen shillings per annum to the poor of the Parish of Dunholme (if any such payment is lawfully demanded) referred to in a Conveyance dated 28 July 1954 registered under LL302594
12	As plot 11	As plot 11	As plot 11	As plot 11
13	As plot 11	As plot 11	As plot 11	As plot 11
14	As plot 11	As plot 11	As plot 11	As plot 11
15	HSBC Bank PLC (Co. Reg. No. 0014259) whose registered office is 8 Canada Square, London E14 5HQ and whose correspondence address is 40-54-47 Securities Processing Centre PO Box 6304 Coventry CV3 9JY -	As mortgagee in respect of the Legal Charge dated 24 November 2006 registered under LL235898 -	- Unknown Successors in title to John Henry West and Thomas Percival West (public trustee)	- Restrictive Covenants relating to the use of the land as a private dwellinghouse with public garage attached and for the purpose of supplying petrol by means of pumps or other wise and no plates signs or advertising hoardings or other erections to be erected otherwise in accordance with plans and specifications to be submitted and approved by the Architect of the Trustees, before any such building or erection commenced and shall pay a fee of three guineas for the examination of such plans, all buildings to be built or brick and tiles or slates, no building to be erected beyond the building line shown on the plan submitted to the Architect of the Trustees and approved by him, not to do or suffer to be done in or upon the land or buildings erected anything which might be or become or tend to become a nuisance damage annoyance or

Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2	
	Name and Address	Description of interest to be acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
	-	-	Unknown successors in title to John David Ruddock	inconvenience to the Trustees or other owners or occupiers for the time being of adjoining land of the Trustees, within 12 months from the date of the Deed to erect and maintain a boundary fence on the north and east boundary referred to in a Conveyance dated 20 November 1928 Covenants relating to the erection and maintenance of fences on the north and east side of the property referred to in a Conveyance dated 16 March 1942
16	As plot 15	As plot 15	As plot 15	As plot 15
18	-	-	-	-
19	As plot 11	As plot 11	As plot 11	As plot 11
20	As plot 11	As plot 11	As plot 11	As plot 11
21	As plot 11	As plot 11	As plot 11	As plot 11
22	As plot 11	As plot 11	As plot 11	As plot 11
24	Royal Bank of Scotland PLC (Co. Reg. No. SC90312) whose registered office is at 36 St Andrews Square, Edinburgh EH2 2YB and whose correspondence address is Credit Documentation PO Box 339, Manchester, M60 2AH	As mortgagee in respect of the Legal Charge dated 22 October 2009 registered under title LL311168	-	-
25	As plot 11	As plot 11	As plot 11	As plot 11
30	-	All interests (except those interests owned by the acquiring authority)	-	-
31	-	All interests (except those interests owned by the acquiring authority)	-	-
32	-	All interests (except those interests owned by the acquiring authority)	-	-

Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2	
	Name and Address	Description of interest to be acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
33	-	All interests (except those interests owned by the acquiring authority)	-	-
34	-	All interests (except those interests owned by the acquiring authority)	-	-
35	-	All interests (except those interests owned by the acquiring authority)	-	-
In the Parish of Scothern in the District of West Lindsey				
23	Lloyds Bank PLC (Co. Reg. No. 002065) whose registered office is 25 Gresham Street, London, EC2V 7HN and whose correspondence address is Dept 3282 Pendleford Securities Centre, Pendleford Business Park, Wobaston Road, Wolverhampton, WV9 5HZ -	As mortgagee in respect of the Legal Charge dated 26 May 2017 registered under LL152718 -	- Midland Bank Trust Company Limited	- Benefit of various rights reserved to and subject to rights granted in connection to public and private rights of way, water, drainage, sewerage, telephone and telegraphic services, electricity, gas supplies watercourses light and air and all other easements or purported easements rights and privileges affecting the property and to any liability to repair or contribute to the repair of roads ways passages sewers drains (including manholes connected) cables wires poles conduits water or gas mains or other apparatus gutters fences and like other matter, the right of free uninterrupted passage of and running of water soil gas

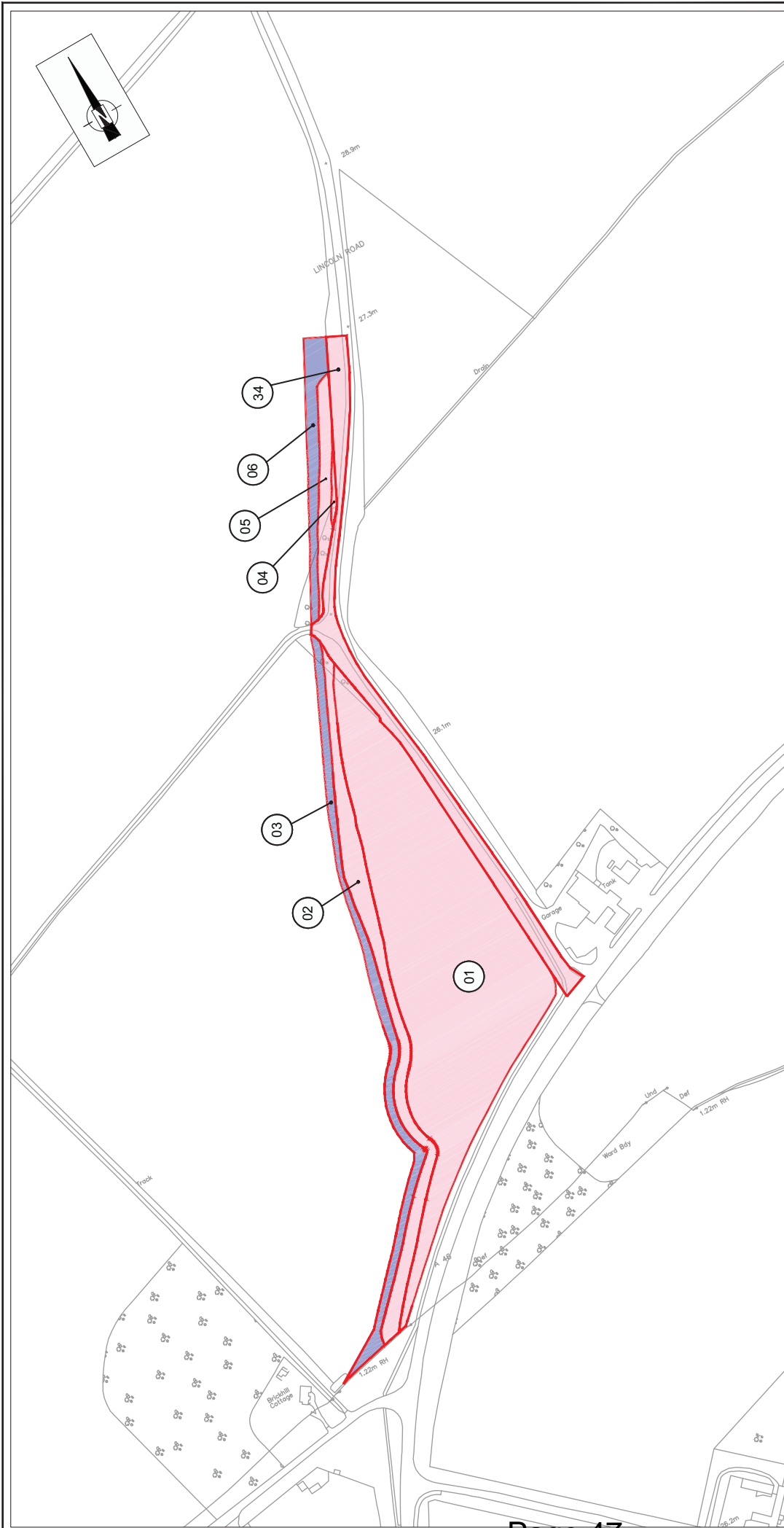
Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2	
	Name and Address	Description of interest to be acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
				<p>electric current telephone or other services to and from the property and every part or parts by in and through pipes cables wires lines conduits drains channels sewers ducts tubes meters valves traps switches and other conducting media existing at the date thereof and at present which serve the property in or over or under adjacent land subject the proportionate payment according to user for the inspection repairing maintenance cleaning or renewing the same and all cost proportionally payable to any public/local authority the proportion to be determined by the Vendor, the Vendors to give 2 months written notification if any change in the connection of services (at their expense) and the costs incurred by the purchasers in connecting to any changed replaced relayed or renewed services without the purchasers consent for the alteration move re-route redirect relay replace renew or otherwise vary all or any of the existing pipes cables wires lines conduits drains channels sewers ducts tubes meters valves traps switches and other conducting media so long as the right to the use and enjoyment of the property is not substantially adversely diminished , reserving to the Vendor the right to full and uninterrupted access and enjoyment of light and air over the property to the buildings to all windows or apertures in the buildings on the land or may be built in the next 80 years , the right to erect buildings or other erections or alter ant building on the vendors land that may interfere with the passage of light and air to the property, the</p>

Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2	
	Name and Address	Description of interest to be acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
-	-	-	Midland Bank Trust Company Limited	<p>right of free and interrupted passage of running water soil gas electric current telephone and other services to and from adjoining land and through pipes cables wires lines conduits drains channels sewers ducts tubes meters valves traps switches and other conducting media constructed or to be constructed or laid within 80 years from the date of the deed with or without workmen to enter onto the land to inspect repair cleanse maintain alter remove or renew with damage being made good referred to in a Conveyance dated 28 October 1977 registered under title LL152718</p> <p>Various Rights reserved to the retained land in connection with the right to run water soil gas fuel oil electricity telephonic signals and other services through any conduits on the land or may be placed through the land within 80 years , with the right to enter onto the land with reasonable notice to repair renew maintain inspect replace and cleanse the conduits and lay further conduits with the making good of all damage, compensation to be paid for any damage not capable being made good, payment of a fair proportion according to use of the costs of repairing renewing maintaining inspecting or cleaning the conduits, payment of all costs incurred in repairing renewing maintaining inspecting and replacing or cleansing any conduits on the retained land, the right of support, the right to uninterrupted and unimpeded access of light and air, the right to erect or permit to be erected any buildings on the retained land so that all</p>

Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2	
	Name and Address	Description of interest to be acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
	Church Commissionaires for England Church House Great Street London SW1P 3AZ	Unilateral Notice in respect of a claim to mines and minerals and rights excepted to the lord of the manor on enfranchisement of copyhold land contained in a Deed dated 24 November 1920 referred to under title number LL152718	-	privileges or light and are enjoyed are by licence and not by right referred to in a Conveyance dated 13 March 1998 under title LL152718
26	As plot 24	As plot 24	As plot 24	As plot 24
27	As plot 23	As plot 23	As plot 23	As plot 23
28	-	All interests (except those interests owned by the acquiring authority	-	-

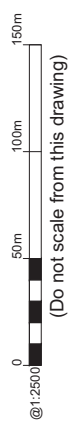
Number on Map	Name and Address	Capacity	Qualifications
All	Anglian Water Anglian House, Ambury Road, Huntingdon, Cambridgeshire, PE29 3NZ Osprey House, 1 Percy Road, Huntingdon, Cambridgeshire, PE29 6SZ	As Statutory Water Mains Undertaker	In respect of foul sewer, surface water sewer, water main and other apparatus
All	British Telecommunications Plc. 81 Newgate Street, London, EC1A 7AJ	As Licensed Telecommunications Operator	In respect of telecommunications facilities.
All	Cadent Block 1, Floor 1, Brick Kiln Street, Hinckley, Leicestershire LE10 0NA	As Statutory Gas Undertaker	In respect of gas mains, pipes and other apparatus
All	Western Power Distribution (East Midlands) Plc. Avonbank, Feeder Road, Bristol, Avon BS2 0TB Units B-E Deacon Road Industrial Estate, Lincoln, LN2 4JB	As Statutory Electricity Supplier Undertaker	In respect of electricity high and low voltage pressure and other apparatus

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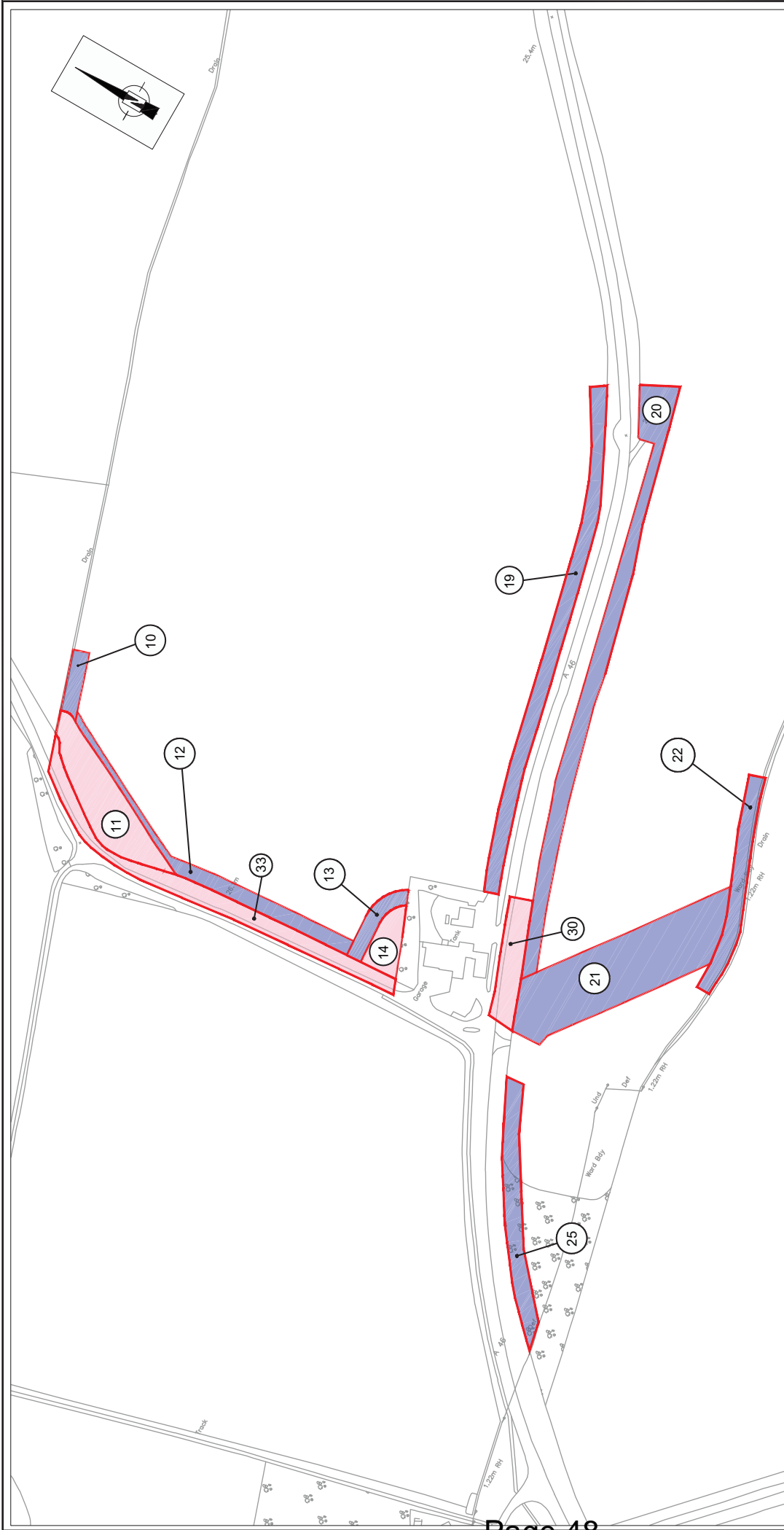


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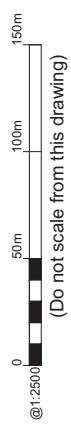


Plot	Area in Square Metres (or thereabouts)	Requirement	Owner	DWG. No. D/HCAPR0024 / 01 / CPO / 001	Owner	Rev:
01	20740	Title (Coloured Pink)	High Donald Wykes			A1
02	3949	Title (Coloured Pink)	Dunholme Lodge			
03	2735	Rights (Coloured Blue)	Dunholme			
04	125	Title (Coloured Pink)	Lincoln			
05	1086	Title (Coloured Pink)	Lincoln LN2 3QA			
06	1406	Rights (Coloured Blue)	Brian David Wykes			
34	4531	Title (Coloured Pink)	Field House Lincoln Road Welton LN2 3PZ			

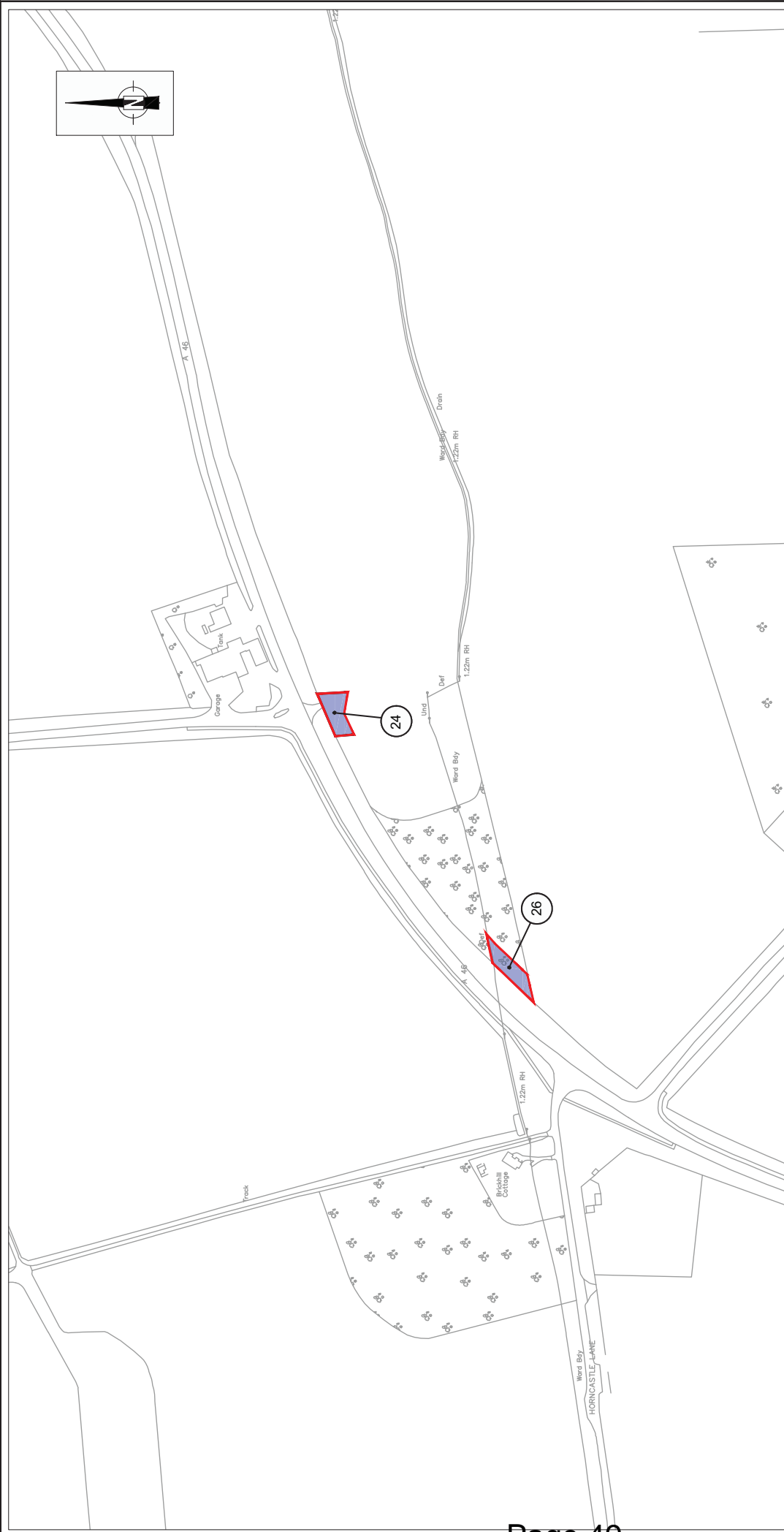


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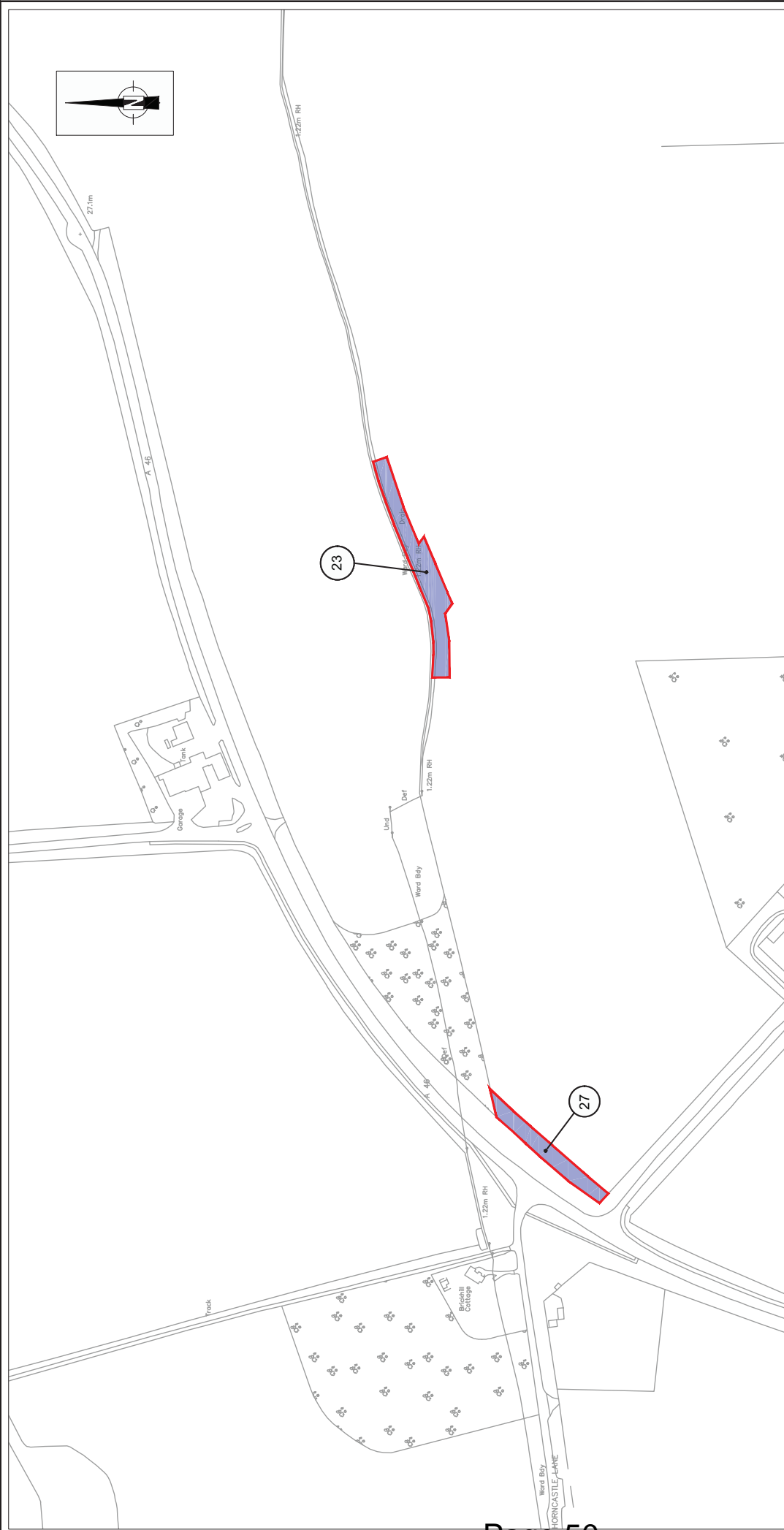
PLOT		AREA IN SQUARE METRES (or thereabouts)	REQUIREMENT	OWNER	DWG. No. D/HCAPR0024 / 01 / CPO / 002	OWNER	Rev:
10		438	Rights (Coloured Blue)	Kathleen Monica Bourn Navarino Louth Road Wragby LN8 5PH			A1
11		2633	Title (Coloured Pink)				
12		1675	Rights (Coloured Blue)				
13		557	Rights (Coloured Blue)				
14		761	Title (Coloured Pink)				
19		3319	Rights (Coloured Blue)				
20		4239	Rights (Coloured Blue)				
21		5783	Rights (Coloured Blue)				
22		1455	Rights (Coloured Blue)				
25		1630	Rights (Coloured Blue)				
30		1256	Rights (Coloured Blue)				
33		2813	Rights (Coloured Blue)				



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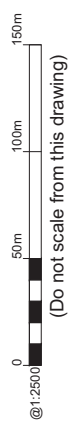
Plot	Area in Square Metres (or thereabouts)	Requirement	Owner	DWG. No. / HCAPR0024 / 01 / CPO / 003	Owner	Rev.
24	379	Rights (Coloured Blue)	Kathleen Monica Bourm Navarino Louth Road Wragby LN8 5PH	/ 01 / CPO / 003	OWNER	A1
26	370	Rights (Coloured Blue)				

**A46 DUNHOLME AND WELTON JUNCTION
 LAND OWNERSHIP PLAN**

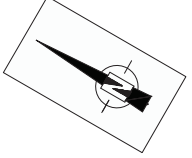


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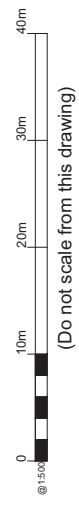


PLOT	AREA IN SQUARE METRES (or thereabouts)	REQUIREMENT	OWNER	DWG. No. D/HCAPR0024 / 01 / CPO / 004	OWNER	Rev: A1
23	1699	Rights (Coloured Blue)	Kathleen Monica Bourn, Hugh Christopher Bourn & Edward James Bourn Navarino Louth Road Wragby Market Rasen LN8 5PH			
27	945	Rights (Coloured Blue)		A46 DUNHOLME AND WELTON JUNCTION LAND OWNERSHIP PLAN		



27.3m

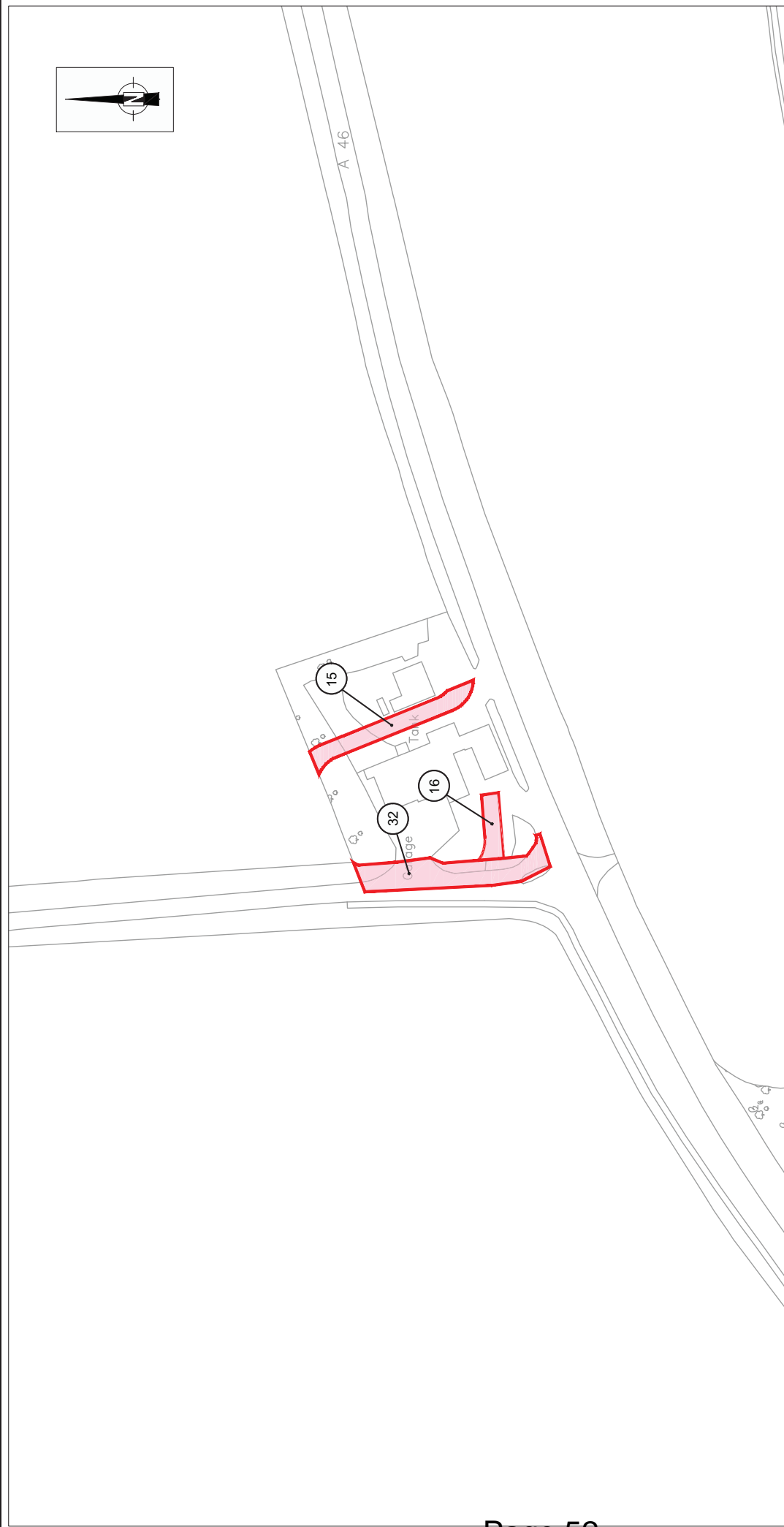
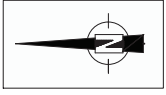
Drain



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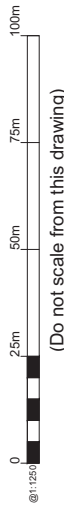
PLOT	AREA IN SQUARE METRES (or thereabouts)	REQUIREMENT	OWNER	DWG. No. D/HCAPR0024 / 01 / CPO / 005	OWNER	Rev: A1
07	525	Rights (Coloured Blue)	Hugh Donald Wykes Dunholme Lodge Dunholme Lincoln LN2 3QA			
08	428	Rights (Coloured Blue)	Brian David Wykes Field House Lincoln Road Welton LN2 3PZ			
09	195	Title (Coloured Pink)				
35	1173	Title (Coloured Pink)				
A46 DUNHOLME AND WELTON JUNCTION LAND OWNERSHIP PLAN						





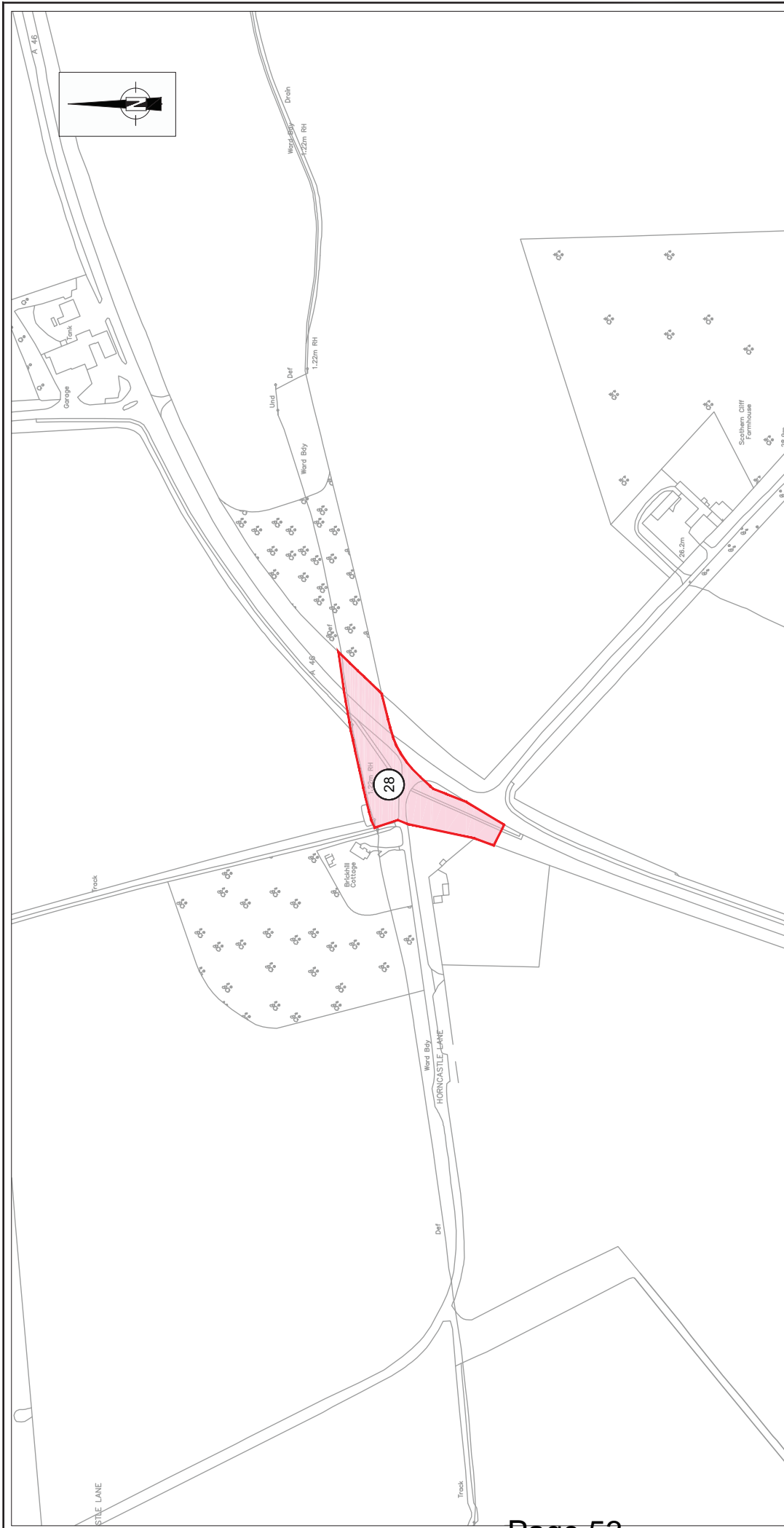
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PLOT	AREA IN SQUARE METRES (or thereabouts)	REQUIREMENT	OWNER	DWG. No. D/HCAPR0024 / 01 / CPO / 006	OWNER	Rev:
15	313	Title (Coloured Pink)	Premier Housing (Bradford) Ltd 2 Princeville Road Bradford West Yorkshire	A46 DUNHOLME AND WELTON JUNCTION LAND OWNERSHIP PLAN	OWNER	A2
16	121	Title (Coloured Pink)				
32	521	Title (Coloured Pink)				

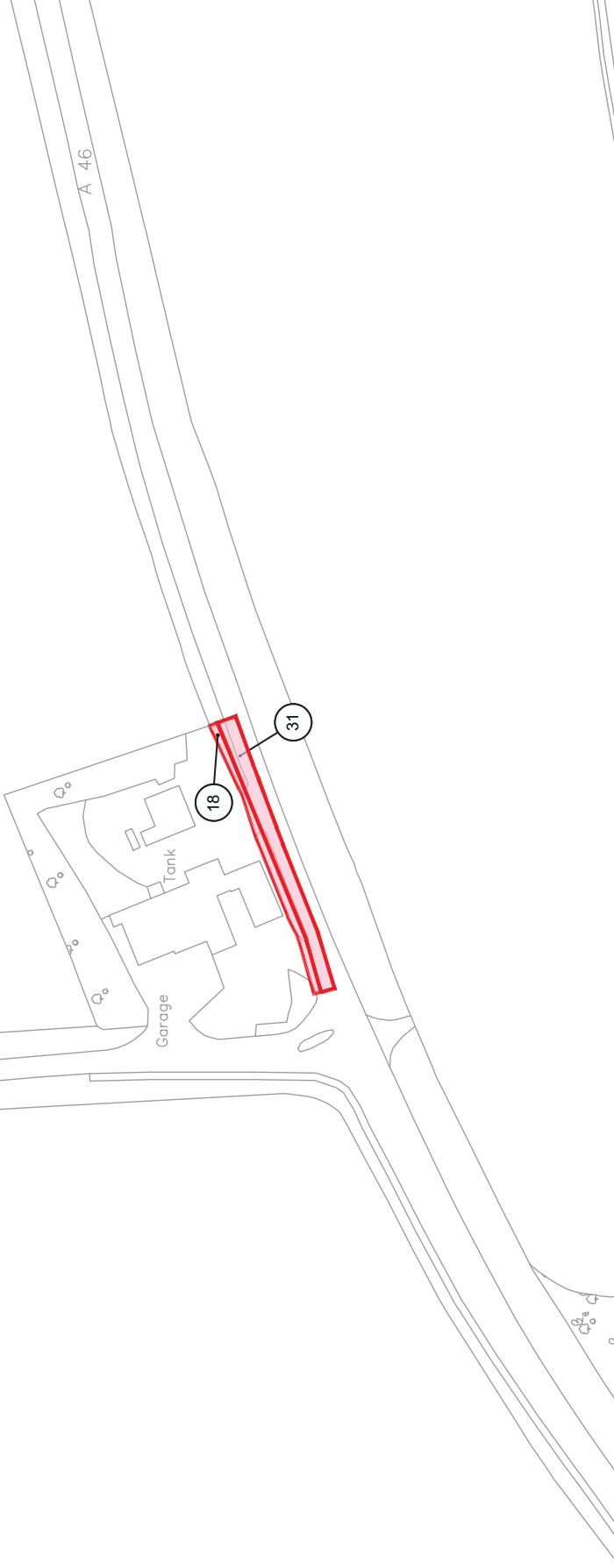
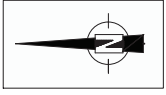


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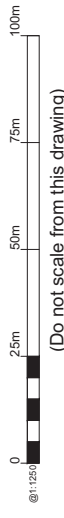
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PLOT	AREA IN SQUARE METRES (or thereabouts)	REQUIREMENT	REPUTED OWNER	DWG. No. D/HCAPR0024 / 01 / CPO / 007	OWNER	Rev:
28	4013	Title (Coloured Pink)	Unknown owner			A1

A46 DUNHOLME AND WELTON
LAND OWNERSHIP PLAN



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DWG. No. D/HCAPR0024 / 01 / CPO / 008 OWNER Rev: A1	
A46 DUNHOLME AND WELTON JUNCTION LAND OWNERSHIP PLAN	
REPUTED OWNER Unknown	REQUIREMENT Title (Coloured Pink) Title (Coloured Pink)
AREA IN SQUARE METRES (or thereabouts) 152 313	PLOT 18 31

APPENDIX D TO EXECUTIVE REPORT

HIGHWAYS ACT 1980 THE LINCOLNSHIRE COUNTY COUNCIL (A46 DUNHOLME AND WELTON JUNCTION) (CLASSIFIED ROAD)(SIDE ROADS) ORDER 2019

The Lincolnshire County Council make this Order in exercise of their powers under section 14 and 125 of the Highways Act 1980 and all other powers enabling them in that behalf:—

1. (1) The Council are authorised in relation to the classified road in the Parish of Welton and the Parish of Scothern in the District of West Lindsey in the County of Lincoln to:-
 - (i) improve the lengths of highway named in the Schedules and shown on the corresponding Site Plan by cross-hatching;
 - (ii) stop up each length of highway described in the Schedules and shown on the corresponding Site Plan by zebra hatching;
 - (iii) construct a new highway along the route whose centre line is shown on a Site Plan by an unbroken black line surrounded by stipple;
 - (iv) stop up each private means of access to premises described in the Schedules and shown on the corresponding Site Plan by a solid black band; and
 - (v) provide new means of access to premises at each location shown on a Site Plan by thin diagonal hatching.
- (2) Where a new highway is to be constructed wholly or partly along the same route as a new access or part of one, that new highway shall be created subject to the private rights over that new access.
- (3) Each new highway is given a reference letter on a Site Plan, which is also placed in the respective Schedule, and will be a road unless the word "footpath" appears beneath its reference letter in that Schedule, in which case it will be a footpath. Each new access is given a letter on a Site Plan, which is also placed in the respective Schedule.
- (4) Where a new highway is to be constructed or a new access is to be provided in connection with the stopping up of a length of highway or private means of access described in a Schedule, its reference letter or number (as the case may be) is placed in that Schedule opposite the description of that length.
- (5) The Site Plan shows the works indicated in the respective Schedule and has the same number as that Schedule, and the route of the classified road in relation to those works.
- (6) Where the new private means of access is to be provided it shall be described in the Schedule hereto, its reference letter placed in that Schedule opposite the description of that length.

2. Where immediately before a length of highway is stopped up in pursuance of this Order there is under, in, on, over, along or across that highway any apparatus of statutory undertakers or any telecommunications code system operator then, subject to Section 21 of the Highways Act 1980, those undertakers, or that operator, as the case may be, shall have the same rights as respects that apparatus as they had immediately before the stopping up took place.

3. In this Order:-

(1) Distances are measured along the route of the relevant highway or private means of access to premises, as the case may be;

(2) A reference to the Schedule or Site Plan number is a reference to the Schedule, or to the Site Plan, so numbered;

(3)

(a) "The Classified Road" means the classified road A46 Welton Road the highway which the Council propose to improve and which is a highway /proposed highway which is a classified road in accordance with section 12 of the Highways Act 1980;

(b) "The Council" means Lincolnshire County Council;

(c) "Improvement" in relation to a highway includes raising, lowering or otherwise altering that highway, and "improved" shall be construed accordingly;

(d) "New access" means a means of access to premises authorised by this Order to be provided;

(e) "New highway" means a highway authorised by this Order to be constructed and " new highways" shall be construed accordingly;

(f) "Schedule" means a Schedule to this Order and "Schedules" shall be construed accordingly;

(g) " the Site Plan" means the plan marked " The Lincolnshire County Council (A46 Dunholme and Welton Junction)(Classified Road)(Side Roads) Order 2019, sealed with the Common Seal of the Council and deposited at the offices of Lincolnshire County Council at County Offices, Newland, Lincoln, LN1 1YS and at the offices of West Lindsey District Council at Guildhall, Marshall's Yard, Gainsborough, DN21 2NA, and a duplicate has been deposited in the Offices of the Secretary of State for Transport, National Casework Team, Tyneside House. Skinnerburn Road,

SCHEDULE 1

(Site plan No- HCAPR0024 01 SRO 004)

Locality: In the Parish of Dunholme in the District of West Lindsey

Highways to be improved:

The A46 Welton Road

The unclassified road known as Lincoln Road

Highways to be stopped up	Reference letters of new highway
Existing layby and wooded area on the west side of Lincoln Road from a point 250-335 metres north of its junction with the Classified Road	-
Existing Lincoln Road from a point 130-230 metres north of its junction with the Classified Road	A
Existing Lincoln Road from a point 0-5 metres north of its junction with the Classified Road	-
The Classified Road from a point 74 -114 metres west of its junction with Lincoln Road .	-
11 metres of Public footpath no. 1035 in the parish of Dunholme southwards from its southern boundary of the Classified Road	B footpath
-	C

Private means of access to be stopped up	Reference letter of new accesses
Access into a field to the west of Lincoln Road 277 metres north of its junction with the Classified Road (1)	-
Access into a field to the east of Lincoln Road 271 metres north of its junction with the Classified Road (2)	a
Access into a garage forecourt to the east of Lincoln Road 47 metres north of its junction with the Classified Road(3)	d
Access into a field to the south of Lincoln Road and 4 metres south of the junction of the Classified Road (4)	-
Access into garage forecourt to the north of the Classified Road 30 metres east of the junction with Lincoln Road (5)	c
Access into a garage forecourt to the north of the Classified Road 30 metres east of the junction with Lincoln Road (6)	b

SCHEDULE 2

Locality: In the Parish of Scothern in the District of West Lindsey

Highways to be improved:

The A46 Welton Road

The unclassified road known as Horncastle Lane

The unclassified road known as Heath Lane

Given under the Common Seal of the Council on the
2019.

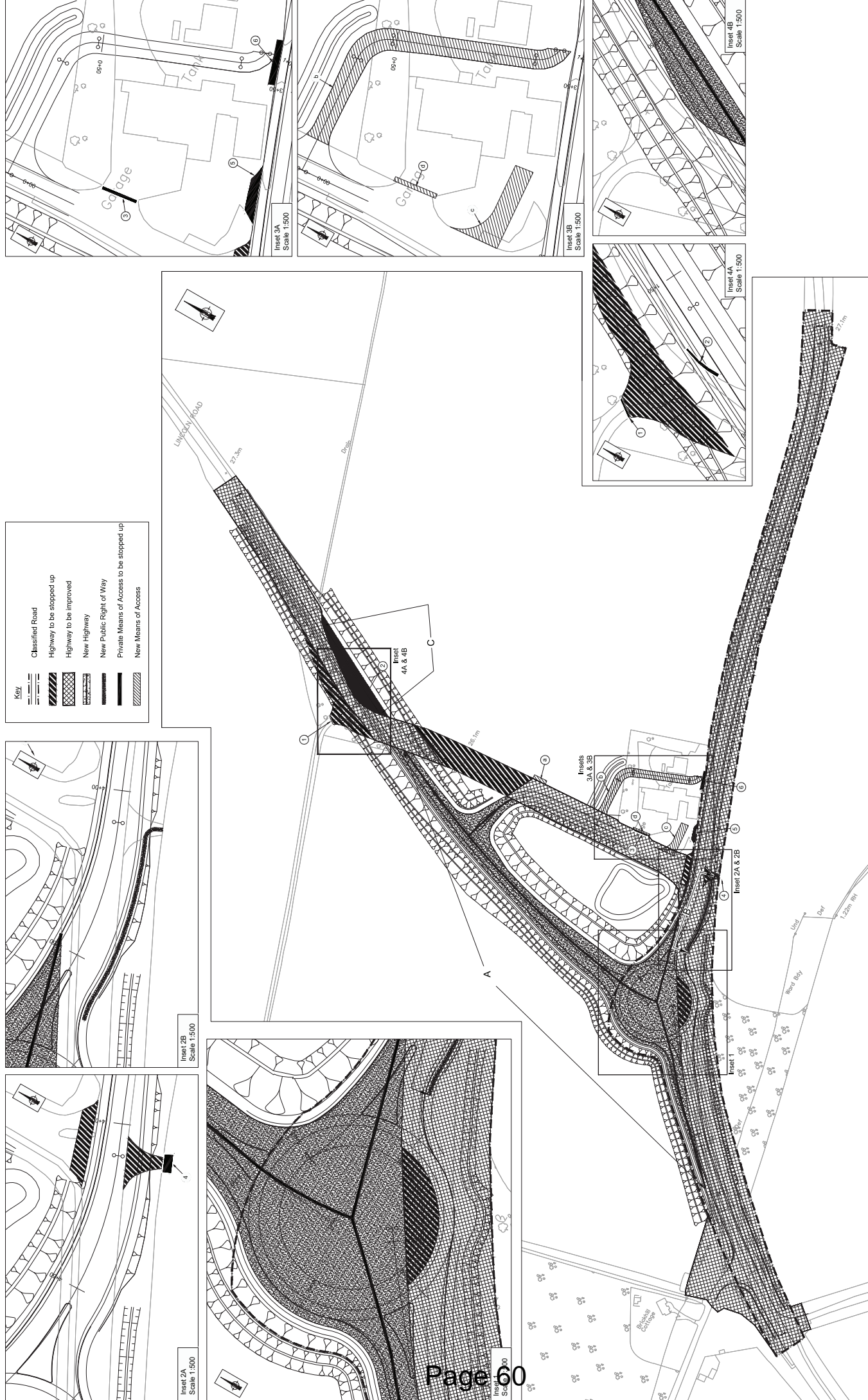
day of

THE COMMON SEAL of
LINCOLNSHIRE COUNTY COUNCIL
was hereunto affixed in
the presence of:-

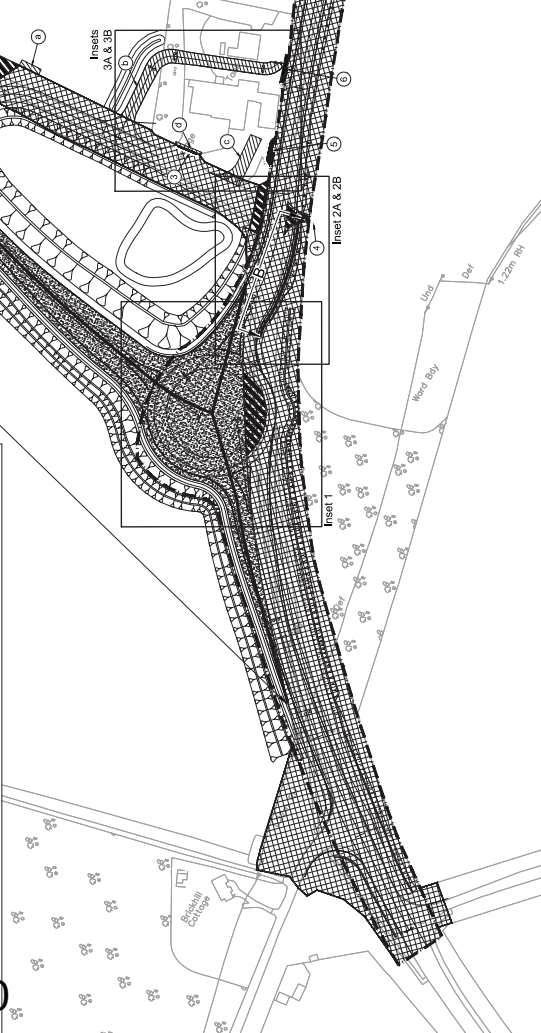
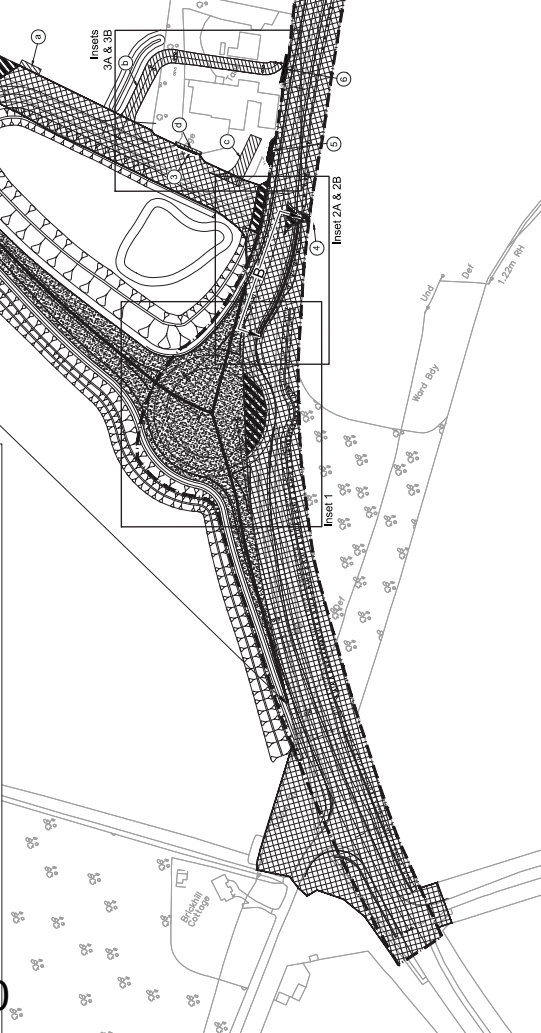
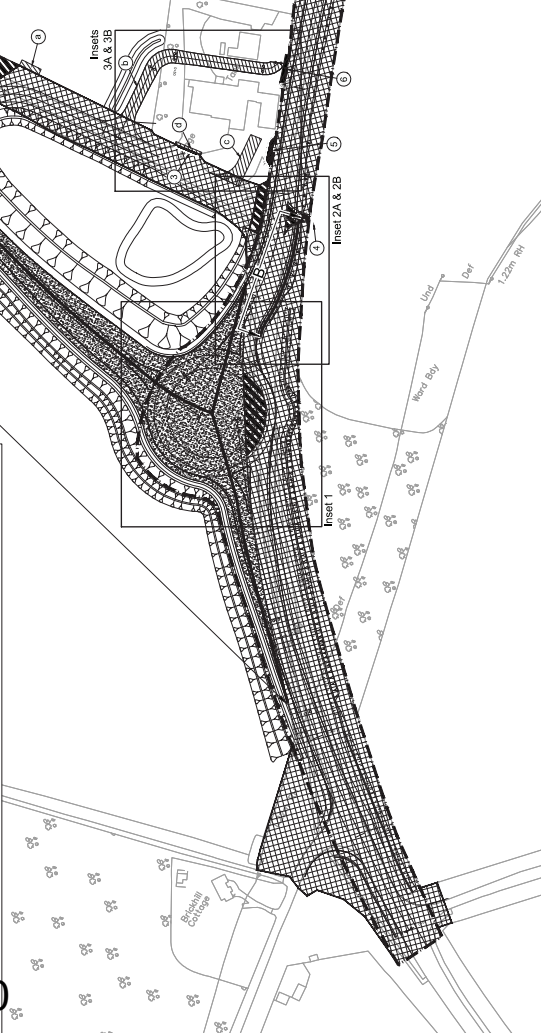
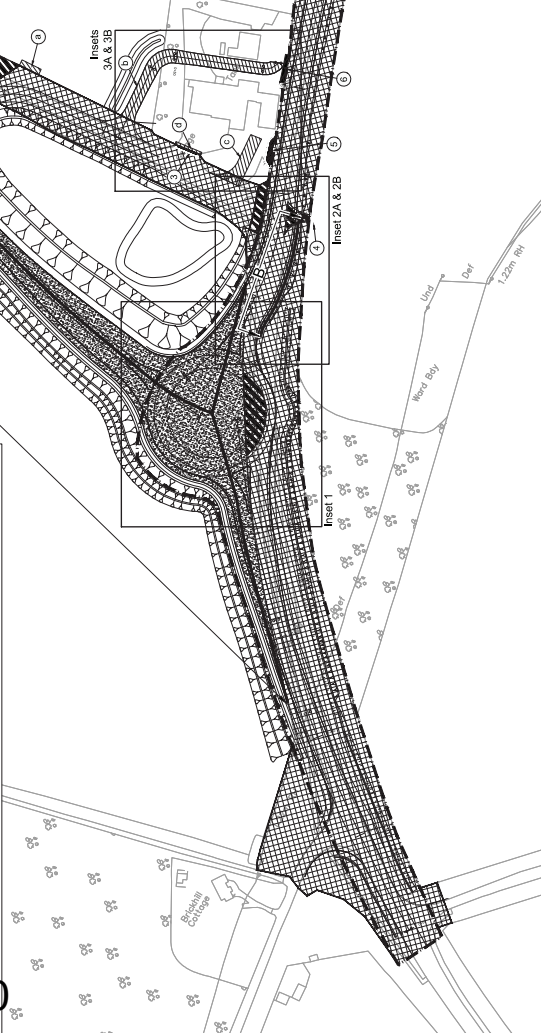
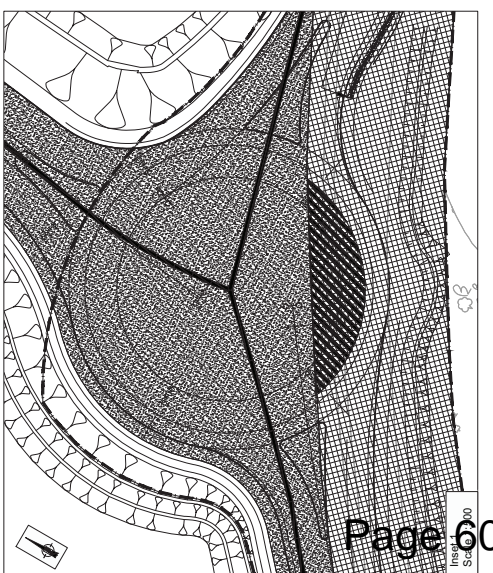
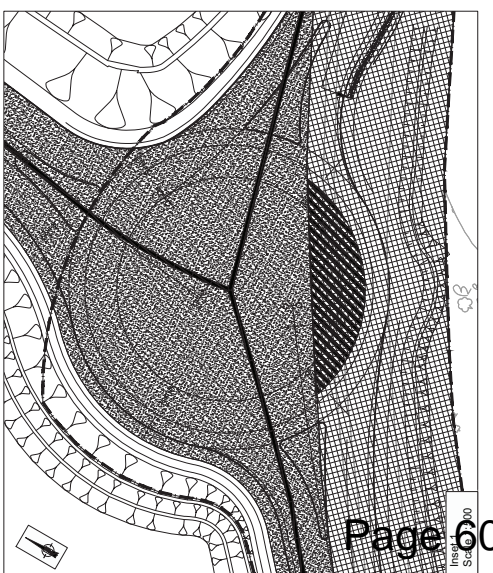
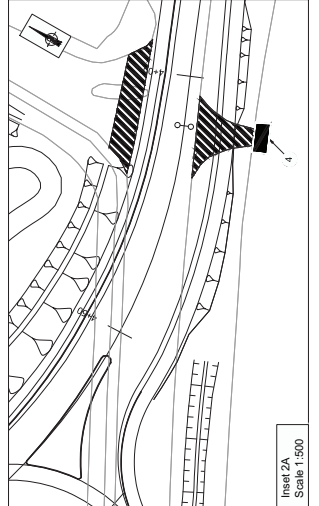
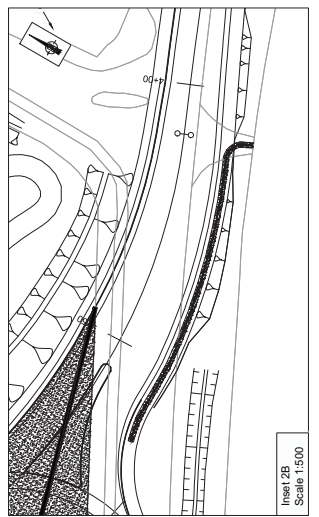
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Authorised Officer

DRAFT



- Key**
- Classified Road
 - Highway to be stopped up
 - Highway to be improved
 - New Highway
 - New Public Right of Way
 - Private Means of Access to be stopped up
 - New Means of Access



APPENDIX F TO EXECUTIVE REPORT

PLEASE TREAT THIS AS DRAFT UNTIL FINALISED –

LINCOLNSHIRE COUNTY COUNCIL

A46 DUNHOLME AND WELTON JUNCTION IMPROVEMENT

STATEMENT OF REASONS

LINCOLNSHIRE COUNTY COUNCIL - (A46 DUNHOLME AND WELTON JUNCTION) COMPULSORY PURCHASE ORDER 2019

LINCOLNSHIRE COUNTY COUNCIL - (A46 DUNHOLME AND WELTON JUNCTION) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2019

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1. Introduction
2. Description of the land, its location, topographical features and use
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7. The Need and Justification for the Compulsory Purchase
8. The Need for and Justification of the Side Roads Order
9. The Planning Position
10. Draft Orders and Programme
11. The Human Rights Act 1998
12. Other Special Considerations
13. Contacts and Additional Information
14. Documents, Maps or Plans Relied on

1. Introduction.

- 1.1. This Statement introduces Lincolnshire County Council's ("LCC") published proposals for the provision of the A46 Dunholme- Welton Junction Improvement hereafter referred to as "the Scheme".
- 1.2. LCC propose to construct a new roundabout on the existing A46 Welton Road at Dunholme to replace the existing T-junction arrangements where the Lincoln Road and Welton Road meet adjacent to the commercial premises at Centurion Garage. The roundabout will be offset to the west of the A46 and will require the diversion of the access roads from the A46 and the Lincoln Road from their current routes to connect with it. As part of the proposals the current access arrangements into the commercial premises will need to be altered for safety reasons. The proposals will be located to the south of the village of Welton and south west of the village of Dunholme. Both villages have been identified in the planning documentation as being able to accommodate substantial residential growth, which is dealt with in more detail below.
- 1.3. The A46 at this location provides the most direct route into Lincoln from those villages using the most appropriate roads. The T-junction is the means by which the road from Welton connects with the A46 to enable traffic to travel towards the City itself. The commercial premises located in the land between the A46 and the Lincoln Road consists of a variety of buildings in different uses, which are held under different legal arrangements. There is a repair garage, a car wash and a car sales area along with a storage area and a permitted telecoms tower, although that does not appear to have been constructed. Each of those holdings enjoys rights of occupation and there are different access arrangements to them. There are two access points directly off the A46 Welton Road and two additional access points from Lincoln Road. All access points are within 64 metres of the current T-junction.

The two access points on Lincoln Road are 25m and 45m from the junction and the two access points on the A46 are 20m and 64m from the junction. The measurements are taken from the nose of the splitter island on Lincoln Road to the centre of the private means of access.

- 1.4. This Statement sets out the reasons for building the Scheme, it justifies and explains the need for the Compulsory Purchase Order to enable land and any other interest in the land that is not within the ownership or control of the LCC to be acquired to permit the works to be carried out. The Order made is the Lincolnshire County Council (A46 Dunholme and Welton Junction) Compulsory Purchase Order 2019.
- 1.5. In addition to promoting a Compulsory Purchase Order, LCC has made the Lincolnshire County Council (A46 Dunhome and Welton Junction) (Classified Road) (Side Roads) Order 2019 in order to carry out works to existing highways as well as private means of access which are necessary to enable the Scheme to be built.
- 1.6. In that respect LCC has identified that in order to deal appropriately with all of the separate rights of access to the various commercial activities within the commercial area it is necessary to provide for private means of access from the public highway to the specific locations within the commercial area where those interests are located. That has necessitated an additional planning application being made to ensure consent exists for that in addition to that required for the original design of the proposals themselves. The proposal in its entirety will be referred to as the Scheme throughout this Statement of Reasons.
- 1.7. Planning permission for the Scheme has been granted in respect of the whole of the Scheme consistent with the description as set out above. The initial planning permission for the roundabout and the diverted access roads (PL/0113/17) was applied for by LCC on the 19th September 2017 and that was granted on the 5th February 2018. Planning permission to cater for the access required to the various interests within the commercial area was applied for on the 17th July 2018 and was granted on the 1st October 2018. The necessary planning permissions required to permit the Scheme to be built are therefore in existence. Those planning permissions did contain conditions but there is no condition which is likely to impede the delivery of the Scheme as intended. The two planning consents, which are all attached as documents to this Statement of Reasons, can be referred to as follows.

- (i). Planning Permission to construct a 60m diameter roundabout along with associated realignment and improvement works to the existing A46 Dunholme/ Welton junction including new landscaping, drainage and lighting proposals and the stopping up of part of Lincoln Road and diversion of a public right of way at land at the junction of the A46 Lincoln Road Dunholme Lincoln. Planning reference PL/0112/17. Document number 12.
 - (ii). Planning Permission for the construction of a northern and southern access into a commercial site at the junction of A46 Lincoln Road Dunholme Lincoln. Planning reference PL/0080/18. Document number 13
- 1.8. LCC intends, subject to the decision on the Orders to implement the Scheme at the earliest opportunity and the current programme expects construction to commence during summer 2020. LCC would wish to make it clear however that it intends to carry out early activity on the Site of the Scheme where such work is feasible and sensible in order to implement the planning permissions where such work does not prejudice or prejudice the consideration of the Orders themselves.
- 1.9. This Statement describes the land to be acquired under the CPO and sets out LCC's purpose in seeking acquisition and the justification for the use of compulsory purchase powers. The Statement describes the Scheme and explains the planning position and policy context within which the planning decisions were taken. Other matters are also considered including the Human Rights implications and other special considerations.
- 1.10. The Statement also describes the Side Roads Order and the requirements that arise in order for LCC to construct the Scheme. As indicated above that position is complicated by the need to ensure that access is maintained to the relevant interests within the commercial area following the closure, on safety grounds of the current access arrangements from the A46 Welton Road.
- 1.11. LCC has published this Statement of Reasons to accompany the CPO and the SRO and copies of it will be served directly on all owners and occupiers directly affected by the Scheme as well as various statutory bodies. Copies will be

placed on deposit at Lincolnshire County Council, County Offices, Newlands Lincoln LN1 1YL and will be placed on the LCC website. Copies will also be available for inspection at the following locations:-

- (i). City of Lincoln Council, City Hall, Beaumont Fee, Lincoln LN1 1DD;
- (ii). West Lindsey District Council, The Guildhall, Marshall's Yard, Gainsborough Lincolnshire DN21 2NA.

1.12. The purpose underlying the publication of this Statement of Reasons is to explain LCC's proposals and to provide sufficient detail about the extent and nature of the land required for the proposals as well as the effects of the works on side roads, including those that are to be stopped up, to inform those affected as well as others of the effect of the Scheme.

1.13. LCC would draw attention to one final matter by way of introduction. In drawing up the detail of the planning application and in producing the Orders in respect of the Scheme LCC has identified one consideration which it has to address as part of the consideration of the construction of the Scheme itself. LCC has identified that there is a covenant on part of the land required for the Scheme restricting its use and that will need to be removed prior to the Scheme being constructed. The covenant has been formally released in writing by the Ministry of Defence and is therefore no longer of any effect. The beneficiary of the covenant would not therefore be able to enforce it against the Council. There remains an administrative process to follow to have the covenant formally removed from the documentary register and the Land Registry has been approached to carry that out. As presently advised that is still on-going but that administrative process does not affect the ability of LCC to proceed with the promotion of the Scheme.

2. Description of the Land, its Location, Topographical Features and Use.

2.1. The location for the proposed new roundabout is approximately 4.5 miles to the north east of Lincoln near to the villages of Welton and Dunholme. The surrounding area is principally in agricultural use through which the current A46 Welton Road and Lincoln Road run. The only non-agricultural activity in the vicinity is the commercial area in use for a variety of purposes. These consist of

the AMS Hand car wash and Motor Wise, a used car dealer, both of which front onto Welton Road with the Centurion Garage behind fronting onto Lincoln Road. The closest residential properties are to the west at Horncastle Lane and Heath Lane, which are approximately 300 metres away measured from Lincoln Road junction to Horncastle Lane junction Dunholme Lodge, which is comprised of a farm and its related outbuildings are approximately 660 metres to the north west measured as a straight line over land from Lincoln Road junction to the centre of the farm complex. The overall impression of the locality is that it is a primarily a rural area with occasional and sporadic development.

- 2.2. The Scheme requires the acquisition of land and interests in respect of which LCC has made the relevant CPO. The land and new rights proposed to be acquired (“the Order Land”) have an area of 7.2 hectares, the extent of which is shown on the plan to the CPO which is comprised of 1 sheet. The Order Land is in three separate freeholds and within the commercial area there are three leasehold ownerships. The agricultural land is owned to the west of the Lincoln Road by Messrs. Wykes and the rest of the agricultural land by the Bourn family. There is one agricultural tenant involved with the land needed for the Scheme. LCC are the relevant body in respect of the highways including the verges.
- 2.3. The Order Land for the Scheme is well contained given the nature of the proposal itself. Most of the land needed for the Scheme is located within the field to the west of the Lincoln Road, on which the roundabout will be built. The diversion routes for the access roads to link into that roundabout will also require land acquisition to the south and north of the Lincoln Road. To provide the necessary access to the commercial area land will also be required to provide a new link from the existing but to be diverted Lincoln Road to the west of the commercial site. All the land required is located within the parishes of Dunholme, Welton or Scothern within the district of West Lindsey.
- 2.4. The existing A46 Welton Road is fairly level as it runs past the T-junction with the Lincoln Road but it rises and falls to create a perceivable hump in the road as it passes north of the commercial area. That hump limits the forward visibility towards and from the T-junction for traffic on that road. The Lincoln Road as it

runs towards the villages has several turns which also limit the visibility for road users. Access from the commercial area into and out of that site is currently available onto both roads with some of the access points in very close proximity to the T-junction itself.

- 2.5. The roundabout will be located within arable fields either side of Lincoln Road and to the west of the current A46. The field east of Lincoln Road rises up the hill to the existing crest on the A46 whereas the field to the west rises up towards the farm and related buildings at Dunholme Lodge. All that land is currently in arable use.
- 2.6. Land use in the immediate vicinity of the Scheme is in two distinct uses. The majority of land is in agricultural use but there is the block of commercial activities centred on Centurion Garage. That area is about 4,210 square metres in size with the uses described above being carried out therein. All the uses on that land are vehicle related, namely a garage, a car wash and sales and there is a significant movement of vehicles in and out of the access points. Some of those access points require vehicles wishing to access the commercial site to indicate and slow prior to the T-Junction thereby leading to potentially confusing information being given. The area contains a significant number of hedgerows and trees and there is a line of trees marking the boundary of the commercial area.
- 2.7. The principal watercourses in the area of the Scheme comprise a series of existing riparian open ditches in the vicinity which act to drain the land. Those ditches are shallow, and some appear to be in use to drain the car washing facility via a piped drain under the A46. The two main watercourses in the immediate area run to the east and discharge into the IDB Southern North – Fen Drain located approximately 2 km to the south east of the T-junction.
- 2.8. LCC has undertaken a full cultural heritage assessment of the proposal. That assessment is reported in the documents supporting the first planning application and can be found within Document 12. That assessment demonstrated that there are no scheduled ancient monuments “SAM’s” within the vicinity, no World Heritage Sites, no registered battlefields, no conservation areas or registered parks or gardens and no other matters of interest. That

study did identify the existence of one Grade II listed building approximately 346 metres to the south of the Scheme measured in straight line from the nose of the island at Lincoln Road to centre of the barn. That listed building is a detached barn located at South Cliff Farmhouse which will not actually be physically touched by the Scheme. However, given its existence it was assessed within the assessment. It was rated as having an impact of slight significance given the distance from the Scheme, the nature of the intervisibility and current situation. The provision of landscape planting within the Scheme will moderate that impact over time.

- 2.9. There are a number of Public Rights of Way that are within, cross or are close to the Scheme boundary. There is a shared use cycleway located on the south side of the A46, running from the west, which crosses the north side at Horncastle Lane. That cycleway continues to Lincoln Road and will be accommodated within the Scheme. The Scheme has a direct effect on two further rights of way, namely a footpath starting at the current T-Junction and a bridleway to the west running along Horncastle Lane. Only the footpath will be diverted as part of the proposals.

3. The Enabling Powers

- 3.1. The Highways Act 1980, “the 1980 Act”, empowers LCC to acquire land compulsorily which it requires to construct and improve the highway.
- 3.2. Section 239 of the 1980 Act enables LCC as the Highway Authority for the area to “acquire land required for the construction of a highway, other than a trunk road, which is to become maintainable at the public expense”, as well as any land required for the improvement of a highway.
- 3.3. Section 240 of the 1980 Act provides that LCC as Highway Authority may acquire land required for the use in connection with construction or improvement of a highway.
- 3.4. Section 246 of the 1980 Act allows LCC to acquire land for the purpose of mitigating any adverse effect that the existence or use of the highway may have on its surroundings.

- 3.5 Section 250 Of the 1980 Act allows LCC as the acquiring authority to acquire rights over land, both by acquisition of those already in existence and by the creation of new rights.
- 3.6. Section 260 of the 1980 Act allows LCC to override restrictive covenants and third-party rights where land acquired by agreement is included in a compulsory purchase order.
- 3.7. Section 14 of the 1980 Act authorises LCC as the Highway Authority to stop up, divert, improve or otherwise deal with a highway that crosses or enters the route of the road to be provided.
- 3.8 Section 125 of the 1980 Act empowers LCC to deal with any private means of access affected by the new road including the provision of a new means of access.
- 3.9. The purpose of seeking to acquire land and new rights compulsorily is to enable the Scheme to be constructed. These proposals would enable LCC to provide the Scheme that would meet its statutory purposes.

4. A Brief Description of Existing Land Ownership

- 4.1. The Order Land being the land and interests and new rights over land proposed to be acquired compulsorily pursuant to the CPO constitutes approximately 7.2 hectares of land. Other than for land within the existing highway boundaries LCC has not yet acquired any of the land it requires for the Scheme to be built; although LCC has been in discussion with the owners and occupiers of the land affected.
- 4.2. The Order Land is in three ownerships with the majority being in arable use or commercial use, although there is some highway land. Full details of the Order Land appear in the Schedule to the Order. Details of known interests and new rights to be acquired are recorded in the schedule. The Order Land is in three separate freehold ownerships with three separate leasehold interests within the commercial area. All land ownership information has been obtained from an inspection of Land Registry title documents and information provided by owners and occupiers following service of requests by LCC under the relevant powers.

4.3 Details of the interest to be acquired and land over which rights are to be acquired are more particularly described in the Schedule annexed to the Order. These include licence areas where land is required to enable construction to take place but where the land is capable of being offered back to the owners on the completion of the works. The areas are set out Table 1 below. The table identifies each plot number in turn and the purpose for which freehold title is required.

4.4. Table 1

Plot Number	Purpose for which freehold title is required	Description	Areas (TBC) Sq metres
03	Rights (Coloured Blue)	Essential licence for site construction, To store materials and equipment, To use land whilst constructing the adjacent ditch and headwalls and for the temporary storage of soil and arisings,	2,735
06	Rights (Coloured Blue)	Essential licence for site construction, to store materials and equipment, to use land whilst constructing the adjacent ditch and headwalls and for the temporary storage of soil and arisings,	1,406
07	Rights (Coloured Blue)	Essential licence for site construction area, a right to drain the ditch, to use the land to store materials and equipment, to use the land to temporary store soil and arisings	525
08	Rights (Coloured Blue)	Essential licence for site construction area, the right to support and attach a headwall within the ditch, bank strengthening, the right to drain the ditch, a right to cleanse, widen and deepen the ditch, to use the land to store materials and equipment, to use the land to	428

		construct a ditch on adjacent land, to temporary store soil and arisings	
10	Rights (Coloured Blue)	Essential licence for site construction area, to use the land to store materials and equipment, to use the land to construct a ditch on adjacent land, to temporary store soil and arisings, the right to support and attach a headwall within the ditch, bank strengthening, the right to drain the ditch, a right to cleanse, widen and deepen the ditch	438
12	Rights (Coloured Blue)	Essential licence for site construction, To store materials and equipment, To use land whilst constructing the adjacent ditch and headwalls and for the temporary storage of soil and arisings	1,675
13	Rights (Coloured Blue)	Essential licence for site construction, To store materials and equipment, To use land whilst constructing the adjacent swale and headwall and landscaping strip and for the temporary storage of soil and arisings	557
19	Rights (Coloured Blue)	Essential licence for site construction area, to use the land to store materials and equipment, and to temporary store soil and arisings	3,319
20	Rights (Coloured Blue)	Essential licence for site construction area, to use the land to store materials and equipment, and to temporary store soil and arisings	4,239

21	Rights (Coloured Blue)	Essential licence for site construction area, right to lay a drainage pipe, rights of support for the pipe, right to drain, to use the land to store materials and equipment, to use the land to construct a ditch on adjacent land, to temporary store soil and arisings. Right to install extra topsoil to provide adequate cover to drainage pipe.	5,783
22	Rights (Coloured Blue)	Essential licence for site construction area, right to construct, support and attach a headwall, and drainage pipe, right to drain, rights to cleanse, widen and deepen the ditch, to use the land to store materials and equipment, to use the land to construct a ditch on adjacent land, to temporary store soil and arisings	1,455
23	Rights (Coloured Blue)	Essential licence for site construction area, right to construct attach and strengthen the existing ditch, right to drain, right to cleanse widen and deepen the ditch, to use the land to store materials and equipment, to temporary store soil and arisings	1,699
24	Rights (Coloured Blue)	Essential licence for site construction area, to use the land to store materials and equipment, to temporary store soil and arisings	379
25	Rights (Coloured Blue)	Essential licence for site construction area, to use the land to store materials and equipment, and remain on the land	1,830
26	Rights (Coloured Blue)	Essential licence for site construction area, to use the land to store materials and	370

		equipment, to temporary store soil and arisings	
27	Rights (Coloured Blue)	Essential licence for site construction area, to use the land to store materials and equipment, to temporary store soil and arisings	945

4.5. The areas required for site compounds and also construction areas as well as for top soil referred to in Table 1 are necessary to provide the essential means for the Scheme to be carried out as planned.

4.6. Throughout the development of the proposals contained within the Scheme LCC has taken steps to contact and speak with those likely to be affected by the land acquisition necessary for the Scheme to be built. It has undertaken the usual requests to identify all such interests and it is in the light of that it became clear that it was necessary to seek the additional planning permission to provide for the necessary access arrangements. As a result of that LCC has spoken with the owners of the land, namely Messrs H D and B D Wykes, Premier Housing and Messrs and Mrs Bourn as well as the individual tenants either directly or through their agents. LCC remains willing to continue to deal with all those affected persons during the consideration of the Orders following publication.

5. The Need for the Scheme.

5.1. The purpose of this section of the Statement of Reasons is to demonstrate the overall need for the Scheme and consequently the need to use compulsory purchase powers. As part of the documentation supporting the application for planning permission in respect of the provision of the new roundabout and its diverted approach roads a planning statement was prepared to explain the basis of the application being made. Within that statement the key reasons for promoting the Scheme are set out. Those reasons were to enhance the safety of the junction, including the improvement of the visibility for those using it and reducing the effects of congestion and also to manage existing and future planned growth. The grant of planning permission recognises the public benefit which would arise under those headings.

5.2. The need for the Scheme can, therefore, be analysed under the following headings: -

(i). The Transport Problems and Issues:

(ii). The growth expectations for Welton and Dunholme:

(iii). The resultant need for the Scheme.

The Transport Problems and Issues.

5.3. The current arrangements at the T-junction permit traffic on the Lincoln Road to join with and leave from the A46 Welton Road. Both roads are busy in traffic terms, particularly at peak times and whereas the A46 is part of the strategic road network Lincoln Road is a road intended to provide access to the villages. Visibility along the A46 at the point of the T-junction is constrained by the nature of the carriageway and the changes in the alignment of the road as it travels past the junction itself. Those variations limit the ability for any driver to see traffic approaching the junction thereby limiting the ability to use it safely. At peak times that is made more difficult with the increased flows of traffic.

5.4. Immediately adjacent to the T-Junction there is the commercial site providing for a variety of road related uses which attract traffic. The access to the commercial site sits adjacent to the T-junction and anyone signalling to turn into the commercial site can cause confusion to drivers waiting to leave the junction thinking the movement is to be made from the A46 onto Lincoln Road rather than into the commercial site itself.

5.5. In addition to those two problems the junction itself is operating beyond the capacity anticipated for a junction of this nature in this location. That is manifested by significant queuing at peak times within Lincoln Road as the traffic tries to exit that road to turn onto the A46.

5.6. The problems with the visibility along the A46, the relationship of the access to the commercial site and the T-junction access and the weight of traffic all combine to create hazardous driving conditions. The accident record for the junction, although not determinative in itself, is indicative of a serious problem that requires a remedy. There have been 25 accidents in the vicinity of the

junction for the five year period ending on the 31st August 2018 with 17 (16 slight and 1 serious) at the junction itself. The rest were on the various approach roads proximate to the junction.

5.7. The accident data indicates that 23 of the accidents were slight and 2 were serious with the majority occurring in dry weather. A record of 17 accidents in one location, or 4 per year, within a five year period indicates a high accident record.

The Growth Expectations for the Vicinity.

5.8. The Central Lincolnshire Local Plan, which was adopted in April 2017, allocates a number of sites in and around the villages of Welton and Dunholme for residential development. A total of around 850 additional units will be forthcoming over the plan period, namely:-

Planning permission ref no	Land description	No of dwellings
131087	Land north of Honeyholes Lane, Dunholme	49
131492	Land off Cliff Road/Heath Lane, Welton	63
131681	Land off Prebend Lane, Welton	350
131882	Land at Lincoln Road/Honeyholes Road, Dunholme	275
130150	Land east of Hackthorn Road Welton	63
130995	Land adjacent to Halfpenny Close	50
Total dwellings		850

5.9. Given the location of these named sites it is probable that a significant proportion of any traffic being generated by those sites will use the A46 Lincoln Road junction for part of its journey. An RFC analysis has been undertaken to model and examine the situation should that junction be used as anticipated with the additional development in place. The results show that with the junction

as it currently exists the A46 Welton Road would continue to operate but that the Lincoln Road would cease to be effective. RFC values of 1.75 for left turners onto A46 and 1.88 for right turners have been shown with consequential queuing lengths of 9 vehicles (2062 second delay) and 193 vehicles (1804 second delay) respectively.

5.10. The growth ambitions cannot be met without improving this junction in order to allow for the additional movements. The NPIF bid draws specific attention to the fact that the proposal will support the delivery of five key housing projects delivering a significant number of dwellings over a large area of land. The developers of some of those areas have written letters of support for the provision being made.

The Need for the Scheme.

5.11. The overall need for the Scheme arises therefore from a combination of wishing to deal with an existing traffic problem which is resulting in unsafe driving conditions and the ability to allow for future growth to occur which will provide additional dwellings.

5.12. The need for the Scheme can be summarised under the following headings:-

- (i). Safety: The Scheme makes improvements to visibility at the junction through changes to both the horizontal and vertical alignment. In addition, the closure of the direct access points from the A46 into the commercial site will remove any driver confusion at this point by removing driver conflict;
- (ii). Visibility: The highway alignment has been designed in accordance with vertical and horizontal standards set out within the standards for the Design Manual for Road and Bridges ("DMRB") for a 60 mph carriageway for both the approach roads and on the roundabout.
- (iii). Congestion: The highway capacity has been increased through the provision of the proposed junction that has been designed for 15 years growth in accordance with guidance;

(iv). Managing future growth: The Scheme makes provision for the proposed residential development through an increase in highway capacity by adopting the enhanced design approach.

5.13. In addition, current existing provision for Non-Motorised Users (NMU) has been maintained in an appropriate way.

6. Description of the Scheme.

6.1 The Scheme is for a roundabout adjacent to the west of the current junction along with the partial realignment of the A46 to the south west and realignment of the Lincoln Road to the south to connect into the new roundabout. Access to the commercial site would be via an access onto the existing Lincoln Road with no direct access being provided from the A46 for safety reasons. Private means of access would be provided to all locations to replace any lost by the proposals, and that would include those contained within the second planning permission via a new access from the west.

6.2. The Scheme will also change the vertical alignment of the A46 to the east of the T-junction in order to remove the crest of the hill and thereby improve forward visibility to and from the roundabout. The public right of way affected will be closed as required before being diverted and reopened to follow a different route. The main footpath from the south will be diverted to the roundabout to allow for pedestrians to cross via the splitter island to make the position safer.

6.3 Some hedgerow will be lost to the Scheme proposals but as much as possible will be re-provided to maintain the current feel to the area. Appropriate landscape mitigation proposals are an integral part of the Scheme and they will be provided as part of the proposals. A modern sustainable drainage system will be put in place and appropriate modern light fittings will be used to minimise night time glare consistent with proper illumination.

6.4. Funding is in place for the Scheme. The estimated costs of the scheme are approximately £5 million. Of this £2 million will be provided from the National Product Investment Fund (NPIF) and £1.1 million from S106 agreement

contribution funding which will be forwarded funded by LCC, with the remaining sums being funded by Integrated Transport Grant from LCC.

..

7. The Need for and Justification of the Compulsory Purchase.

- 7.1. The purpose of seeking to acquire land and new rights compulsorily is to enable the Scheme to be constructed. These proposals would enable LCC to meet its statutory purposes within the shortest realistic timescale in the most appropriate way.
- 7.2. LCC recognises that a CPO for the Scheme can only be made if there is a compelling case in the public interest which justifies the acquisition of private rights and interests in land and the creation of new rights sought to be acquired. A compelling case exists here. A CPO is necessary and justifiable in the public interest.
- 7.3. LCC has made the Order to secure the outstanding interests and new rights required to enable implementation of the Scheme, which is necessary to achieve LCC's objectives for the area. Given the history of the development of the Scheme proposals discussions have taken place with landowners affected by the Scheme and LCC intends to continue to discuss matters with the owners of relevant interests in an attempt to reach agreement. In the absence of such agreement the CPO remains necessary to ensure that the Scheme can proceed. Initial contact and discussions with landowners affected by the Order started in Summer 2016. The negotiations are being carried out by VINCI/Kier on behalf of LCC and efforts will continue to acquire land by voluntary means until such a time as the Order may be confirmed. Initial contact and discussions with landowners affected by the Order started in the summer of 2016 and were undertaken by VINCI/Kier on behalf of LCC to try to acquire the land by agreement. Those discussions were undertaken with Messrs H D and B D Wykes, the Bourn Family and Premier Housing. In addition discussions have been undertaken with Centurion Garage, AMS Hand Car Wash and Motorwise as tenants within the premises.

- 7.4. LCC has given careful consideration to the reasons as to why it is necessary to include the land and new rights described in the Order and shown on the Order Map. All known or reputed freehold owners, lessees and occupiers affected by the Order have been invited to enter into discussions with the LCC with a view to agreeing appropriate terms for acquisition of the land and new rights required.
- 7.5. The CPO is necessary to facilitate the Scheme and satisfies the statutory requirements for use of CPO powers pursuant to the 1980 Act. The Scheme will meet the objectives underlying its promotion.
- 7.6. The above explains why it is necessary to acquire land as shown in the CPO to allow the Scheme to proceed and without it the Scheme cannot be built. On confirmation of the Order, LCC intends to either serve a Notice (or Notices) to treat or execute one or more General Vesting Declarations, in order to secure the unencumbered title to the Order Land.

8. The Need for and Justification of the Side Roads Order.

- 8.1. The purpose of the Side Roads Order is to maintain access to all land and property directly affected by the Scheme and to make necessary changes to the highway network. In order to build the new road, it is necessary to improve, or stop up existing highways and construct new highways to link into the new road. It will also be necessary to stop up some existing private means of access to land or premises and to replace those where necessary with new means of access. To enable it to carry out those works LCC is promoting the Side Roads Order.
- 8.2. In the context of the Scheme the SRO is intended to stop up three private means of access to the commercial area adjacent to the Welton Road and to re-provide that access by different means. Maintenance of the current arrangements would not be safe and cannot therefore be permitted as part of the Scheme and accordingly some alternative arrangement is required. The SRO enables that to be provided as shown within the planning permissions.
- 8.3. In addition, there are further matters contained within the SRO, namely;-

- Diversion of the public right of way to create a safer crossing point across from the splitter islands on A46 Welton Road
- Stopping up of private means of access on both Lincoln Road (northern side) Welton Road (southern side) that access agricultural land with no new means of access being provided
- Stopping up of a private means of access on Lincoln Road (southern side) that access agricultural land with a new means of access being provided off the old Lincoln Road
- The stopping up of the southern section of Lincoln Road as to prevent access into the new road layout
- The stopping up of the northern section of Lincoln Road as the highway will be no longer required as public highway
- The stopping up of part of the Welton Road to allow for the construction of the roundabout and the re-provision of public highway rights over the new carriageway

9. The Planning Position.

9.1. Planning permission has been sought and obtained for the Scheme. It is in two parts for the reason explained above. Those planning permissions reflect the planning guidance relevant at the time of the consideration of the applications and that remains the same today, subject to one matter. At the time the application was made for the roundabout element the national planning policy was comprised within the 2012 version of the National Planning Policy Framework. The application was accordingly made under that guidance and it was granted. Since that time the advice has been replaced with the 2018 version of the NPPF. That revised version has not altered the national advice in so far as it relates to the Scheme other than strengthening the need to provide for housing development.

9.2 The National Planning Policy Framework (NPPF) was adopted in March 2012 with the revised version being issued on July 2018. It sets out the Government's planning policies and how these are expected to be applied. It is supported by technical guidance related to flood risk and minerals, as well as planning practice guidance online. The main aim of the NPPF is to achieve

sustainable development, indeed it states that “development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision”.

9.3 The Development Plan for West Lindsey District Council is currently made up of the Central Lincolnshire Local Plan, adopted in April 2017, as well as a number of Neighbourhood Plans. Applicable to the proposed scheme are the Dunholme Parish Neighbourhood Development Plan, adopted January 2017, and the Welton-by-Lincoln Neighbourhood Plan, adopted September 2016.

9.3.1 The *Central Lincolnshire Local Plan ("CLLP")* was adopted in April 2017 and it provides the planning framework for several districts within the county of Lincolnshire, including West Lindsey. The CLLP is underpinned by an aspiration for sustainable growth in homes, jobs and services and facilities and policies to ensure that infrastructure is provided at the same time as new homes.

9.3.2 The Dunholme Neighbourhood Development Plan ("DNDP") establishes a vision for the future of Dunholme, setting out how that vision will be realised through planning and controlling land use and development change.

Policy 16 “Road upgrades and improvements” of the DNDP states that:

“Proposals that seek to upgrade and enhance the three junctions onto the A46 at Scothern Lane, Lincoln Road and Market Rasen Road will be supported.”

The proposed scheme provides an upgrade and enhancement to the A46/Lincoln Road junction therefore complies with the intentions of the DNDP.

9.3.3 The Welton-by-Lincoln Neighbourhood Plan ("WNP") establishes a vision for the future of Welton and covers the period 2015-2035. In relation to the A46/ Lincoln Road junction, the WNP states that:

“Residents have continuously expressed a strong view in not just the consultations for WNP, but in previous consultations, about this junction. Lincolnshire County Council, in response, has made known their intention to upgrade the junction at the earliest opportunity.”

The proposed scheme provides an upgrade and enhancement to the A46/Lincoln Road junction therefore complies with the intentions of the WNP.

9.4. The 4th Lincolnshire Local Transport Plan (LLTP), adopted in April 2013, sets out the policies and strategies for the improvement of transport infrastructure in the county, reflecting national and local initiatives. Within the LLTP, the A46 is identified as a principal A-road within the network. The proposed scheme meets several objectives of the LLTP including the requirements to:

- *“assist the sustainable economic growth of Lincolnshire, and the wider region, through improvements to the transport network”*

The proposed scheme represents an improvement to the existing transport network.

- *“make travel for all modes safer and, in particular, reduce the number and severity of road casualties”*

The proposed scheme addresses the high accident rate at the junction by improving visibility and reducing driver confusion, as well as providing a junction that has been designed for 15 years growth in accordance with the DMRB.

- *“maintain the transport system to standards which allow safe and efficient movement of people and goods”*

The proposed scheme has been designed to LCC highway design standards and has been accepted by the Lincolnshire Road Safety Partnership.

- *“protect and enhance the built and natural environment of the county by*

reducing the adverse impacts of traffic, including HGVs.”

The proposed scheme minimises any impact on the natural environment and in instances where this has been identified through assessment, effective mitigation is proposed. For instance, the landscape scheme and drainage strategy seek to increase biodiversity through the introduction of a balancing pond that forms part of the SUDS system whilst also incorporating ecological features. Furthermore, Stage 3, 4 and 5 safety audits will be undertaken post construction.

10. Draft Orders and Programme

10.1. The Scheme will be implemented by LCC. The current intention, subject to completing the relevant procedures to acquire the land, is to start work on site in the summer of 2020. The works are currently programmed to take approximately 9-12 months years from starting on site to completion.

10.2. LCC is of the view that Summer 2020 is the earliest possible start date allowing for the successful completion of the Orders and that is the timescale that LCC has been using in discussions with land and business owners affected by the scheme.

10.3. LCC is satisfied that there are no foreseeable barriers to the implementation of the Scheme and that funds will be available to secure the Scheme. All relevant considerations are in place to achieve the start date subject to the successful outcome of the consideration of the Orders.

11. The Human Rights Act 1998.

11.1. LCC has addressed the implications arising from the Scheme in respect of the Human Rights Act 1998. The Human Rights Act 1998 incorporated the European Convention on Human Rights (the “Convention”) into domestic law. The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

11.2. In resolving to make the Orders, LCC has carefully considered the rights of property owners under the Convention against the wider public interest.

Article 1 of the First Protocol to the Convention.

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

Article 6.

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

Article 8.

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

Article 14.

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

11.7. The European Court of Human Rights has recognised that “regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community”. Both public and private interests are to be considered in the exercise of the LCC’s powers and duties as a local authority. Any interference with a Convention right must be necessary and proportionate.

11.8. In light of the significant public benefit which would arise from the implementation of the Scheme, LCC has concluded that it would be appropriate to make the Orders. It does not regard the Orders as constituting any unlawful interference with individual property rights.

11.9. In addition to the publicity and consultation on the planning application for the Scheme, all known owners and occupiers of land within the Order Land have been contacted regarding the Scheme. Further representations can be made by way of objections to the Orders in the context of any public inquiry that the Secretary of State decides to hold in connection with the Orders. Those parties, whose interests are acquired under the CPO, will be able to claim compensation under the relevant provisions of the Compensation Code.

12. Other Special Considerations.

12.1. Part of the Order Land is in the ownership of the Lincolnshire County Council, a statutory body charged with the provision of highway facilities in the area. LCC supports the Scheme and its statutory obligations, rights and powers have been taken into account in the development proposals.

12.2 Funding is in place for the Scheme. The estimated costs of the scheme are approximately £5 million. Of this £2 million will be provided from the National Product Investment Fund ("NPIF") and £1.1 million from S106 agreement contribution funding. LCC will fund the remainder of the scheme costs.

12.3. Equipment and structures of the Statutory Undertakers will be protected, diverted, extended or improved as required by the Scheme. The affected Statutory Undertakers consist of the following bodies. The current position in respect of each of those bodies is as follows: -

Anglian Water – detailed design in progress but no order for the works has been made – diversion works to be carried out during the build

Western Power Distribution- detailed design in progress but no order for the works has been made. The raising of the overhead lines will be carried prior to the start of the works and the electricity supply for the street lighting during the works

British Telecom - detailed design in progress but no order for the works has been made - diversion works to be carried out during the build

12.4. There are no ancient monuments affected by the Scheme and there is no Conservation Areas affected by the Scheme. The only listed building in the vicinity is as described above.

12.5 Discussions have taken place with relevant local authorities in the vicinity. West Lindsey District Council are supportive of the proposals alongside Welton and Dunholme Parish Councils.

14. Contacts and Additional information.

14.1 Owners and Tenants of properties affected by the Orders who require information about the Council's intentions or the process itself can contact Lincolnshire County Council, County Offices, Newlands, Lincoln LN1 1YL, or telephone 01522 782070.

14.2 Copies of the Orders, the Order Maps, Schedule to the Orders and this Statement of Reasons for making the Orders can be inspected during normal office hours at LCC's offices at County Offices, Newland, Lincoln LN1 1YL. Details will also be made available on LCC's website www.lincolnshire.gov.uk.

14.3 Copies will also be available for inspection at the following locations, although questions should be directed to LCC for response:-

- (i). City of Lincoln Council, City Hall, Beaumont Fee, Lincoln LN1 1DD;
- (ii). West Lindsey District Council, The Guildhall, Marshall's Yard, Gainsborough Lincolnshire DN21 2DH.

15. Documents, Maps or Plans Relied on.

15.1 If relevant and applicable objections are received to the various Orders and a public local inquiry is held, LCC may refer to some or all of the documents set out below. Copies of these documents (or relevant extracts) will be available for inspection by members of the public and can be inspected during normal office hours at LCC'S offices at County Offices, Newland, Lincoln LN1 1YL and also at West Lindsey District Council and city of Lincoln Council . LCC reserves the right to introduce such additional documents as may be relevant to any public inquiry in respect of the Orders and will endeavour to notify the public inquiry and any statutory third parties of any such documents as soon as possible prior

to the opening of such inquiry. Further LCC may update this list of documents at the time that any Statement of Case is produced.

DOCUMENTS, MAPS OR PLANS BEING RELIED UPON

Legislation

- (1) Highways Act 1980
- (2) Acquisition of Land Act 1981
- (3) National Planning Policy Framework

Planning and Strategy

- (4) Central Lincolnshire Local Plan (CLLP)
- (5) Dunholme Parish Neighbourhood Development Plan (DNDP)
- (6) Welton-by-Lincoln Neighbourhood Plan (WNP)

Transport

- (7) Fourth Lincolnshire Local Transport Plan 2013/14 – 2022/23 dated April 2013
- (8) Road Classification Policy for Lincolnshire
- (9) Highways and Transportation Guidance Notes- Design Standards and Departures for Highway Schemes (Improvements, Maintenance and Developments) (HAT 34)
- (10) LCC Technical Services Partnership Design and Supervision Guide

Funding documents

- (11) NPIF

Other Documents

- (12) Planning permission PL/0113/137007 (Decision Notice)
- (13) planning permission PL/0080/018 (Decision Notice)
- (14) Circular 02/97
- (15) Compulsory Purchase Process and the Critchel Down Rules : Guidance – Circular dated February 2018

- (16) Highways Transport Scrutiny Report dated 21 January 2019 and Minutes of the meeting
- (17) Lincolnshire County Council Report to the Executive dated 5 March 2019 and Minutes of the meeting

Drawings

- (11) CPO plan – D/HCAPR0024/01/CPO/100
- (12) SRO – B/HCAPR0024/01/SRO/004

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Open Report on behalf of Debbie Barnes OBE, Head of Paid Service

Report to:	Executive
Date:	05 March 2019
Subject:	Council Business Plan 2018/2019 Performance Report, Quarter Three
Decision Reference:	I016868
Key decision?	No

Summary:

This report presents an overview of performance for Q3 against the Council Business Plan.

Executive can view performance on the web using this [link](#).

Recommendation(s):

That Executive:-

1. Note and consider 2018/2019 Quarter 3 performance.
2. Approve the proposed change to reporting as set out in this report.

Alternatives Considered:

1. No alternatives have been considered to recommendation 1 as it reflects factual information presented for noting and consideration.
2. The alternative to recommendation 2 is not to make any changes in reporting as recommended in this report and instead to continue to report against the measures as published in the Council Business Plan 2018/2019. However, without the recommended change, these measures are not considered to assist the Executive in obtaining an accurate picture of the organisation's performance.

Reasons for Recommendation:

To provide the Executive with information about Quarter 3 performance against the Council Business Plan 2018/2019 and propose changes to reporting to assist the Executive in monitoring that performance in future.

1. Background

The Council Business Plan 2018/2019 was approved by Council on 23rd February 2018. This report provides the Executive with highlights of Q3 performance. The full range of performance is hosted on the Lincolnshire Research Observatory (LRO) available to view on this [link](#)

Headlines Quarter 3 performance

Of the 14 commissioning strategies reported in Q3, headline performance has improved since Q2:-

8 performed really well (all measures reported in Q3 achieved the target) compared with 7 in Q2; 2 performed well (all but 1 measure reported in Q3 achieved the target); 4 had mixed performance (some measures achieved and some measures did not achieve the target in Q3).

The following 3 commissioning strategies are reported annually in Q4:-

- [Learn and achieve](#)
- [Readiness for school](#)
- [Sustaining and developing prosperity through infrastructure](#)

The good news

The following 8 commissioning strategies have performed really well (all measures reported in Q3 achieved the target). The Specialist Adult Services commissioning strategy has seen an improved direction of travel from Q2 and the Carers commissioning strategy has seen an improved direction of travel from mixed performance in Q1.

[Carers](#)

[Children are safe and healthy](#)

[How we effectively target our resources](#) (Combination of 3 commissioning strategies)

[Readiness for Adult Life](#)

[Specialist adult services](#)

[Sustaining and growing business and the economy](#)

Employee turnover and Sickness Absence are reported for the first time in Q3. Employee turnover is reported as a contextual measure and is not compared with a target. Overall turnover (inclusive of dismissals and redundancy) is 11.21% over the 12 months between October 2017 to September 2018. The national average Public Sector overall turnover rates are 15.7%.

Sickness absence for Quarter 3 reports the days lost per FTE for the 12 months between October 2017 to September 2018. We are achieving this measure; the Actual is 6.81 days compared with a Target of 7.5 days. On-going application of our sickness absence policy helps to manage employee sickness rates.

The following 2 commissioning strategies performed well (all but 1 measure reported in Q3 achieved the target). It is worth noting that both also performed well in Q1 and Q2:-

[Adult Frailty, long term conditions and physical disability](#)

[Safeguarding adults](#)

Performance has improved and exceeded the target for [Percentage of adults aged 18-64 with a mental health need in receipt of long term support who have been reviewed](#) (Measure 119) in Q3. The percentage of clients in receipt of long term support who received an assessment or review of their needs at the end of the month is 73% against a target of 71%. This month end position shows a much improved position compared to the previous months against the trajectory and reflects both the improved data and the work undertaken in the service to ensure the allocated resources matches demand. The service is aware of which clients require their next review and activity is being coordinated to undertake the outstanding reviews before the end of the financial year. It is worth noting that the target in the Council Business Plan 2019-2020, which was presented to Council on 22nd February, is 95%.

Mixed performance

The following 4 commissioning strategies had mixed performance (some measures achieved and some measures did not achieve the target).

[Community resilience and assets](#)

[Protecting and sustaining the environment](#)

[Protecting the public](#)

[Wellbeing](#)

We are back within the tolerance range of our target for [Primary fires](#) (Measure 19), having reported being behind target at Quarter 2. We have also seen a 3% reduction in the number of primary fires compared to Quarter 3 last year (down from 860 to 838). The majority of the reduction has been seen in dwelling fires which is down by 15% (down from 312 last year to 264). There have also been small reductions in fires involving outbuildings/sheds and also vehicles. It is particularly pleasing to see a reduction in the number of primary fires in the nine month period as we have previously reported an increase due to the long spell of hot temperatures coupled with very dry weather, this caused the number of farm related fires to almost double compared with previous years.

[Juvenile reoffending](#) (Measure 125) has seen an improved direction of travel from Q2 from 42.4% reported last quarter to 29.1% in this quarter. The actual numbers of re-offenders has continued to fall, with just 30 out of 103 young people re-offending in the reported quarter. As the cohort will be measured over a 3 month period, instead of a 12 month period, it is unclear as to how this will affect future performance figures. For example, seasons can affect re-offending rates; historically re-offending rates have increased during summer months, therefore it remains to be seen how the change in methodology to a 3 month cohort will affect performance and trends moving forward.

Appendix A provides a summary of the measures that did not achieve the target in Q3.

Proposed change to reporting performance against the Council Business Plan 2018/19

As part of the process for agreeing the Council Business Plan 2019/2020, the Portfolio Holder has agreed to remove the 'Alcohol related anti-social behaviour incidents' (Measure 5) and 'Alcohol related violent crime incidents' (Measure 6) as

data is no longer comparable due to changes in reporting practices within the Police. It would also make sense to cease reporting both measures in Q3 and Q4 this year (2018/2019).

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

The Report presents performance against the outcomes and measures that are the Council Business Plan many of which relate to people with a protected characteristic including young people, older people and people with a disability. It is the responsibility of each service when it is considering making a change,

stopping, or starting a new service to make sure equality considerations are taken into account and an equality impact analysis completed.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

The Report presents performance against the outcomes and measures that are the Council Business Plan many of which relate directly to achievement of health and wellbeing objectives.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

The Report presents performance against the outcomes and measures that are the Council Business Plan some of which relate to crime and disorder issues.

3. Conclusion

This report presents an overview of performance for Quarter 3 against the Council Business Plan 2018/2019 and proposed changes to reporting to assist the Executive in monitoring that performance in future. Executive is invited to consider performance and consider and approve the proposed changes to reporting.

4. Legal Comments:

The Executive is responsible for ensuring that the Executive functions are discharged in accordance with the Budget and Policy Framework of which the Business Plan is a part. This report will assist the Executive in discharging this function.

The recommendation is lawful and within the remit of the Executive.

5. Resource Comments:

Acceptance of the recommendation in this report has no direct financial consequences for the Council.

6. Consultation

a) Has Local Member Been Consulted?

N/A

b) Has Executive Councillor Been Consulted?

N/A

c) Scrutiny Comments

The Overview and Scrutiny Management Board is due to consider this report at its meeting on 28 February 2019. Any comments of the Board will be presented to the Executive.

d) Have Risks and Impact Analysis been carried out

No

e) Risks and Impact Analysis

Any changes to services, policies and projects are subject to an Equality Impact Analysis. The considerations of the contents and subsequent decisions are all taken with regard to existing policies.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Summary of Measures that did not achieve the target in Quarter 3

8. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Jasmine Sodhi, who can be contacted on 01522 552124 or jasmine.sodhi@lincolnshire.gov.uk .

Summary of those measures where the target was not achieved in Quarter 3

The following 4 commissioning strategies had mixed performance (some measures achieved and some measures did not achieve the target)

1. [Community resilience and assets commissioning strategy](#) the following 2 measures have not achieved the target in Q3. Both did not achieve the target in Q1 and Q2.

- [Contact with the heritage service](#) (Measure 35)

In Q3, an actual of 2,836,409 was achieved against a target of 3,800,000. Technical faults with the website and decline in visitor numbers (as reported in Q1 and Q2) continue to impact the out turn for this measure. It is worth noting that the annual target for this measure in the Council Business Plan 2019/2020, which was presented to Council on 22nd February, reflects a picture of nationally declining numbers and IT difficulties.

- [Visits to core libraries and mobile library services](#) (Measure 36)

An actual of 1,090,422 was achieved in Q3 against a target of 1,247,157. As reported in Q1 and Q2, the lower number of visits is attributed to not being able to keep a pace with the changing IT requirements and expectations of our customers. It also needs to be recognised that this is against a national picture of declining library visits, as well as there being more options for our customers within their local communities from the independent Community Hub provision; these visits are not counted in this figure.

2. [Protecting the public commissioning strategy](#) – the following 2 measures have not achieved the target in Q3. Both did not meet the target in Q1 and Q2.

- [Unsafe and counterfeit goods removed from the market](#) (Measure 2)

4,852 counterfeit and unsafe items have been removed from the market so far this year. 2,484 items have been removed as they were unsafe and 2,368 items were removed as they were counterfeit. We are behind plan this year due to a decrease in counterfeit goods seized as we are working with premises to bring them into compliance to ensure such goods are not available for sale in the first instance. We have seen an increase in unsafe goods offered for sale over Quarter 3 and this is largely due to attendance at various seasonal events. The annual target 2018/ 2019 is 31,000 and it is worth noting that the measure has been amended in the Council Business Plan 2019/2020, which was presented to Council on 22nd February to 'Unsafe goods removed from the market' with an annual target of 3,000 products.

- [Adults Reoffending](#) (Measure 14)

This measure is reported with a one quarter lag, Q2 is the latest performance. Between April 2017 and September 2017 there were 3,088 adult offenders (the cohort). In the 12 months following identification (between April 2017 to September 2018), of those 3,088 adult offenders, 922 re-offended resulting in the 29.9% adult re-offending rate. On average, each reoffender committed 3.5 additional crimes within twelve months of their index offence. The most prolific offenders continue to be adopted by the ARC (Assisting Rehabilitation through Collaboration) scheme.

3. [Wellbeing commissioning strategy](#)

- [Percentage of alcohol users left specialist treatment successfully](#) (Measure 31)

This measure is reported with a one quarter lag and so the latest performance is for Q2.

Performance is 33.7% which is 6.3 percentage points below the 40% target. This drop in performance (from 35.2% in Q1) coincides with the service undergoing staffing issues which have now been resolved. It is anticipated performance will start to improve over future reports and will stabilise between 35% and 37%.

Performance is unlikely to return to levels above 40% as the service is running at maximum capacity alongside a trend of increasing levels of both alcohol and drug clients. The volume of clients being seen makes achieving outcomes more challenging. This is currently manageable but is affecting performance, as seen within this indicator, due to the resources available to the provider not keeping pace with increased demand for the service.

This situation is not easily resolved and the provider continues to seek new and innovative ways to get clients to recovery but with very high caseloads it is difficult.

It is worth noting that the annual target for this measure in the Council Business Plan 2019/2020, which was presented to Council on 22nd February, is 40%.

- [People successfully supported to quit smoking](#) (Measure 111)

This measure is reported with a one quarter lag, therefore Q2 performance is the latest available data for this measure.

Quit 51 achieved only 64% of the cumulative target for Quarter 2 (Actual 1,024, Target 1,600). The service continues to target the most hardened smokers that need more support to help them to quit. It is worth noting that the annual target for this measure in the Council Business Plan 2019-2020, which was presented to Council on 22nd February is 3,200.

Chlamydia Diagnosis (Measure 34)

The data is published nationally 6 months in arrears so reflects performance in the first quarter of 2018. Actual 1,955, Target 2,045. The performance in this quarter did not meet the target. This was expected due to changes in the provider's delivery model. The Sexual Health Services (LISH) have an action plan in place to improve their performance which includes partnership work and collaboration, including midwifery services, Addaction and school Immunisation services and the situation is being continually monitored. Online self- testing remains very popular and has the highest positivity rate, indicating this service is well targeted.

Lincolnshire is ranked 5th out of 9 Local Authorities in the East Midlands Region. There is only one Local Authority that is meeting the national target. Positive test results remain high at 10.4% (target 8%) suggesting the services remain well targeted. The Public Health England (PHE) Regional Advisor for Sexual Health has advised that the positivity rate should be the main quality indicator. Relationships with sub-contracted General Practitioner's and Pharmacies have developed to improve and promote the chlamydia testing programme and is still ongoing.

It is worth noting that the annual target for this measure in the Council Business Plan 2019-2020, which was presented to Council on 22nd February is 2,045 for data relating to April 2019 – March 2020.

Frontline staff and volunteers trained in Making Every Contact Count (Measure 109)

This measures the number of staff and volunteers working in health and care related services who have received Making Every Contact Count training. This training enables service providers to deliver healthy lifestyle advice and signposting information to clients. By the end of Quarter 3, 662 individuals have been trained against a target of 700. Due to fluctuations in the delivery of MECC the target is annual and is on track to be achieved by end of Quarter 4.

It is worth noting that the measure has been amended in the Council Business Plan 2019-2020, which was presented to Council on 22nd February, to 'Number of staff and volunteers trained in Making Every Contact Count' and the target has been lowered to 400 due to funding streams and consequent staffing structures changing during 2019-2020.

4 [Protecting and sustaining the environment commissioning strategy](#)

- [Recycling at County Council owned Household Waste Recycling Centres \(HWRC\)](#) (Measure 76)

The Household Waste Recycling Centre (HWRC) recycling rate for Quarter 3 (74.1%) has remained level with Quarter 2 (74.2%) with composting levels remaining similar but improved recycling and reuse tonnages. Although the target of 75% has not been achieved, the measure is reported as Improving but not achieved as performance in Quarter 1 was 72.8%.

It is worth noting that the target in the Council Business Plan 2019/2020, which was presented to Council on 22nd February, is 74% and that through the new Joint Municipal Waste Management Strategy we will be seeking to review our HWRC service in order to overcome the challenges facing us and gradually return to our previous level of performance (75%).

- [Household waste recycled](#) (Measure 78)

The target is 55%. An actual of 44% was achieved in Q3. The growing conditions over this year so far have seen a reduced level of composting. This combined with increased non-recyclables seen in the kerbside collections and the effects of the Mixed Dry Recycling (MDR) operations means we are predicting a lower recycling rate from late this year. This contamination level is being addressed with the Districts Councils as part of the next MDR contract and the new Lincolnshire Waste Strategy. The national recycling rate is also reducing and is down from 45.1% in 2016/-2017 to 44.8% in 2017/2018 with initial estimates for 2018/2019 indicating this downward trend is set to continue.

The Lincolnshire result now includes metals recovered from the Energy from Waste plant (EfW). The recently released national Resource and Waste Strategy includes a commitment to review the current measurements metrics used to report recycling performance.

It is worth noting that the target in the Council Business Plan 2019/2020, which was presented to Council on 22nd February, the published target is 48.5% in line with our draft Joint Municipal Waste Management Strategy objective "*To contribute to the UK recycling target of 50% by 2020*", the targets reflect steady progress towards 50%.

The following 2 commissioning strategies performed well (all but 1 measure reported in Q3 achieved the target):-

1. Adult Frailty, long term conditions and physical disability

- Adults who receive a direct payment (Measure 63)

The actual performance figure has improved from 31.9% in Quarter 2 to 32.5% in Quarter 3 even though the target of 40% was not achieved. Even though this is an improvement, it is important to note that the denominator is decreasing, in Quarter 1 it was 3,820, Quarter 2 the figure was 3,766 and now is at 3,600. This is also reflected in the numerator (clients receiving a Direct Payment and Part Direct Payment) which was 1,280 in Quarter 1; Quarter 2 it was 1,203 and now is 1,196 in Quarter 3. Due to this, a deep dive is being undertaken to understand why the performance against this measure is not achieving. Currently, more Direct Payments are ceasing than are being taken up by new clients; particular attention will be given to the reasoning behind this when performance is reviewed. It is worth noting that the target in the Council Business Plan 2019-2020, which was presented to Council on 22nd February, is 40%.

2. Safeguarding adults commissioning strategy

- Percentage of completed safeguarding referrals where source of risk was a service provider (Measure 114)

This measure remains outside target (Actual 55.1%¹ compared with a Target of 31%) due to an increase in the number of cases entering the numerator as a result of changes in the screening process. These were implemented to enable us to capture data more accurately at different stages of the process.

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