

Open Report on behalf of Richard Wills, Executive Director for Environment and Economy

Report to:	Executive
Date:	03 January 2018
Subject:	Grantham Southern Relief Road (GSRR) - Land Acquisition, Orders and Contracts
Decision Reference:	I014796
Key decision?	Yes

Summary:

By a decision dated 23 July 2013 the Executive Councillor for Highways, Transport and IT approved the exercise of Lincolnshire County Council's powers under the Highways Act 1980 to pursue the overall strategy and project designed to achieve procurement and construction of the Grantham Southern Relief Road ("GSRR").

The GSRR scheme comprises three phases which are: the section known as King 31 link heading west from the B1174 towards the A1, the A1 grade separated junction connecting the King 31 link to the A1, and the Southern Quadrant Link Road ("SQLR") which connects the B1174 to the A52. The overall GSRR and its phases are described in more detail in the Report and its Appendices.

The purpose of this report is to seek the Executive's approval:-

- to pursue the acquisition of land for the SQLR
- to proceed with making a Compulsory Purchase Order and Side Roads Orders for the GSRR Scheme
- to seek, and if agreed, take a delegation from the Secretary of State for Transport to enable the making of a Slip Roads Order for the GSRR scheme or in the absence of a delegation to assist the Secretary of State in making such an Order
- for the Council to enter into an agreement with Highways England pursuant to Section 6 of the Highways Act 1980 to receive the necessary delegation of trunk road powers for the GSRR Scheme
- in principle to procure and award of a contract for the SQLR (phase 3 GSRR)

Recommendation(s):

That the Executive:-

1. Approves Lincolnshire County Council entering into an agreement with Highways England pursuant to Section 6 of the Highways Act 1980 ("the Section 6 Agreement") relating to highway works at the A1 Trunk Road (Grantham Southern Growth Corridor) and the exercise by the Council of all Highways England's powers in respect of the making, publishing and seeking confirmation of Compulsory Purchase Orders and Side Roads Orders necessary to give effect to paragraphs 2 and 3 below, generally in the form of the draft attached at Appendix J .
- 2 Approves Lincolnshire County Council (both for itself and in exercise of the powers of Highways England delegated pursuant to the Section 6 Agreement) exercising powers under Sections 14, 125, 239, 240, 246, 250 and 260 of the Highways Act 1980 and Acquisition of Land Act 1981 to secure the compulsory acquisition of and otherwise deal with all land and rights and interests in and affecting land necessary to construct the GSRR (including the SQLR).
- 3 Without prejudice to the generality of the approval at paragraph 2 above approves Lincolnshire County Council (both for itself and in exercise of the powers of Highways England delegated pursuant to the Section 6 Agreement) making:-
 - (i) A compulsory Purchase Order under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and Acquisition of Land Act 1981 generally in the form set out in Appendix F to this report to secure the compulsory acquisition of the land shown pink on the Compulsory Purchase Order plans at Appendix H 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 Compulsory Purchase Order; and
 - (ii) Side Roads Orders under sections 14 and 125 of the Highways Act 1980 generally in the forms set out in Appendix B and E to carry out works to existing highways;

the orders detailed in sub-paragraphs (i) and (ii) of this paragraph 3 being collectively referred to as "the Orders"
4. Approves
 - (i) Lincolnshire County Council entering into an agreement with the Secretary of State for Transport ("SSfT") and/or the Department for Transport ("DfT") to receive authority or delegation of powers to enable the Council to promote a Slip Roads Order or Orders to be made by the SSfT under sections 10 and 41 of the Highways Act 1980 through to confirmation, including preparation and

representations at any Public Inquiry and the exercising of those powers if and when authorised or delegated; or

- (ii) whether or not a delegation is obtained pursuant to paragraph 4 above, Lincolnshire County Council liaising with and assisting the SSfT and/or DfT in respect of publication and promotion of a Slip Roads Order or Orders under Sections 10 and 41 of the Highways Act 1980

in each case for the designation of the new slip roads created as part of the GSRR scheme as trunk roads;

- 5 Authorises the Executive Director for Environment and Economy to exercise on behalf of the Council any powers of the Secretary of State under section 10 of the Highways Act 1980 delegated pursuant to an agreement as described in paragraph 4(i) above or otherwise to take such steps as may be necessary to liaise with and assist the Secretary of State as described in paragraph 4(ii) above.
6. Approves in principle the Statement of Reasons ("SoR") for the above mentioned Orders generally in the form of the draft set out at Appendix I
7. Authorises the Executive Director for Environment and Economy to agree the final version of the SoR, and the final form of the Orders including authority to make, if necessary, any amendments to the Orders referred to in 3 (i) and 3 (ii) above necessary to secure the compulsory acquisition of all land necessary to construct the GSRR (including the SQLR) prior to publication of the Orders.
8. Authorises the Chief Legal Officer to seal the Orders in their final form.
- 9 Authorises the Executive Director for Environment and Economy to take all the ancillary and necessary steps, including the publication and service of all statutory notices and presentation of the Council's case at Public Inquiry, to secure the confirmation of the Orders by the Secretary of State and the vesting of the land in the County Council to include authority to request confirmation of the final Orders with modifications if, in the light of new information, it appears expedient to ensure the confirmation of the Orders.
10. That authority be given to the Chief Legal Officer to acquire all third party interests in land and the properties subject to the Compulsory Purchase Order and as required for the GSRR (whether compulsorily or by agreement) on terms recommended by the Executive Director for Environment and Economy.
- 11 Approves the capital scheme appraisal for the Southern Quadrant Link Road ("SQLR") in accordance with paragraph B9 of the Financial Regulations forming part of the Council's Constitution and which is intended to form the third phase of the overall Grantham Southern Relief Road ("GSRR")

- 12 Approves in principle the procurement and award of a contract for SQLR (phase 3 GSRR)
- 13 Authorises the Executive Director of Environment and Economy to agree the final form and approve the entering into of all agreements and contracts necessary to secure the construction and completion of the GSRR (including the SQLR) to include (but without limitation)
- (i) the Section 6 Agreement referred to in paragraph 1 above;
 - (ii) any agreement with the SSfT or DfT whether of a kind referred to in paragraph 4 above or otherwise;
 - (iii) any contract awarded pursuant to paragraph 12; and
 - (iv) any contract or agreement made with statutory undertakers, Network Rail or the like in connection with the Scheme

Alternatives Considered:

Not to proceed to the making of Compulsory Purchase Orders or the entering into of the recommended agreements

There are significant benefits in the public interest to proceeding with the GSRR Scheme both in terms of highway considerations and the impact of the Scheme on the growth plans for Grantham. These are dealt with in detail in the Report. The delivery of the GSRR Scheme has been a major objective of the County Council's transport strategy for many years. Similarly, the growth plans associated with the southern quadrant SUE which is enabled by the Scheme are longstanding objectives for the town of Grantham embedded in local strategies and plans. The project has been identified as a priority by the Greater Lincolnshire Local Enterprise Partnership to deliver key aspects of the Strategic Economic Plan. Not to proceed would mean these benefits would be lost and the current transport problems within Grantham would continue. A major opportunity to stimulate growth within Grantham would also be missed

The entering into of the agreements and 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 properly dealt with in a way which is most efficient for the delivery of the Scheme.

Reasons for Recommendation:

To ensure the GSRR scheme is progressed expediently and orders for the scheme can be published at the earliest opportunity enabling the acquisition of land and the proper dealing with rights and encumbrances.

For the reasons set out in the Report and the Statement of Reasons at Appendix I 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 Executive Summary

- 1.1 The Grantham Southern Relief Road ("GSRR") is a strategic infrastructure project essential to delivering the growth of Grantham and required to address the strategic transport connectivity around the town as well as addressing specific transport problems within Grantham. It is more fully described in section 2 of this Report. These strategic ambitions are set out within the Local Transport Plan, the adopted South Kesteven Core Strategy and the emerging South Kesteven Local Plan. The project has been identified as a priority by the Greater Lincolnshire Local Enterprise Partnership to deliver key aspects of the Strategic Economic Plan and has therefore been allocated growth funding to facilitate its delivery. The terms of that funding require the delivery of key outputs within agreed timescales and the GL LEP Investment Board are provided with updates on scheme progress
- 1.2 The GSRR scheme is being delivered in phases although the ultimate benefits rely on the complete delivery of the scheme. This is a critical consideration underpinning the need to promote the Orders for the scheme in the way in which it is being proposed rather than in a phase by phase way as the funding and outputs are inextricably linked together. The scheme includes two main parts known as the King 31 link and the Southern Quadrant Relief Road ("SQLR"). The King 31 phase 1 element has been constructed and phase 2 will create a connection on to the A1 whilst the SQLR or phase 3 of the overall scheme provides a connection eastwards so as to avoid the east to west A52 traffic needing to pass through the centre of Grantham.
- 1.3 The GSRR scheme includes a number of complex interdependencies and has required joint working and collaboration between a number of partners including Lincolnshire County Council, South Kesteven District Council, Network Rail, Highways England, Anglian Water and key landowners some of which are promoting key aspects of the proposed development being considered as part of the Spittlegate Heath development proposals. Detail is included in the body of the report on the current status of those relationships.
- 1.4 The GSRR scheme is being promoted by the County Council as a strategic link and accordingly key approvals are being sought to enable the Council to be able to proceed with the delivery of the project. In order to proceed there are agreements needed with the key other stakeholders and powers to be delegated from Highways England to enable the County Council to act as their agents for the purposes of both making and seeking confirmation of compulsory purchase and side roads orders in relation to trunk roads and the carrying out of work on the strategic network i.e. deliver the A1 junction

connection. One element of the orders for the GSRR scheme falls outside the remit of either the County Council or Highways England. This is the power of the Secretary of State for Transport to make an Order that the new slip roads at the A1 junction be trunk roads under section 10 and 41 of the Highways Act 1980. Discussion is ongoing with the Department for Transport ("DfT") as to whether the power to pursue any part of the order making process under section 10 can be delegated to the County Council. If not, regular contact will be maintained with DfT and appropriate pressure applied to ensure that the section 10 order making processes runs alongside and so far as legally possible is integrated with the orders processes being pursued by the County Council on behalf of itself and Highways England

- 1.5 This report is seeking the approval to proceed with the necessary processes to acquire land, award contracts and instigate the necessary legal processes to publish Orders to enable the scheme to progress. These approvals relate to the delivery of Phase 2 (A1 junction) and Phase 3 ("SQLR") of the scheme and will allow the Council to defend the overall scheme delivery at a Public Inquiry should objections be received to the Orders that can't otherwise be resolved. A key element of the management of that risk is to acquire all the land needed to deliver the scheme by negotiation thereby reducing the risk of needing to use CPO powers.
- 1.6 At the point of drafting this report some of the legal agreements with Highways England, Network Rail, landowners and (potentially) the Secretary of State for Transport have not been finalised but these are all progressing with agreements in place as to what all parties are seeking to achieve. Similarly, the drafts of the Statement of Reasons and Orders attached to this Report are well progressed but are nonetheless in draft form and will require amendment before finally being published and issued. The report therefore seeks delegated authority for the Executive Director for Environment and Economy to progress these matters to conclusion.

2 Scheme Description

- 2.1 The Grantham Southern Relief Road (GSRR), located to the south of the Grantham urban area, will form a predominantly single carriageway route linking the A1 to the A52. A more detailed description is contained within the draft Statement of Reasons at Appendix I. The GSRR consists of the following two sections:

- 2.1.1 The King 31 Link, which will connect the A1 to the B1174 at the western end of the relief road and form part of the Spittlegate Development (also known as the 'King 31' development). Planning permission (S08-448) was originally granted on 18 August 2010. LCC then inherited the planning permission from the developer Buckminster Estates. After consideration the 2010 planning permission was considered not suitable to deliver a grade separated interchange for the GSRR. A new planning permission was granted by Lincolnshire County Council planning authority on 27 May 2016 which increased the red line boundary to provide sufficient working

area to build the slip roads. The King 31 Road forms Phase 1 of the GSRR and the A1 junction Phase 2 of the GSRR.

2.1.1 The Southern Quadrant Link Road (SQLR), which will link the B1174 to A52 (Phase 3 GSRR) and will also serve the Southern Quadrant (SQ) mixed-use development. Planning permission (S13/0775) was granted for this section in November 2013. A section 73 application (S15/2101) to vary Conditions 2 and 11 of permission S13/0775 was granted in Nov 2015 to allow amendment to viaduct of southern quadrant link road. Non Material Amendment (S15/1354) comprising changes to roundabouts, realignment of access track and alterations to Whalebone Lane junction were approved in June 2015.

2.2 The proposed scheme is located within an area of predominantly arable land to the south of the Grantham urban area and the village of Somerby Hill, and to the north of the villages of Little Ponton and Great Ponton. The scheme will enable traffic to travel between the A1 and the A52 without having to travel through Grantham town centre, and it will also provide a crossing of the East Coast Main Line (ECML) railway and the River Witham.

3 Transport problems and issues

3.1 A key issue is Grantham currently experiences a high level of congestion within the town centre. Grantham lies close to the A1, which forms a north-south bypass to the west of town. Grantham does not benefit from any other bypasses, and is intersected by the A52 and A607. A number of radial routes connect in the town centre, forming a traffic collar of closely spaced mainly signalised junctions. The timings of the signalised junctions in the town centre are coordinated via the 'SCOOT' Urban Traffic Control system. This system uses real time traffic information to make constant small adjustments to signal timings in order to optimise performance and reduce delays and queuing. However, there are heavy traffic flows through and within the town, with large volumes of HGVs particularly on the eastwest A52.

3.2 There are a number of bridges, associated with the East Coast Main Line, with low heights that force HGVs to use the centre of the road to navigate under them. Within Grantham, low rail bridges force freight traffic to use Wharf Road (in the town centre) and the A52 (Barrowby Road) to access, amongst other things, agricultural industries to the east. The Transport Strategy for Grantham (2007-2021) states that; 'Tall vehicles hitting the low bridges in Grantham causes problems through delays to traffic, delays to rail passengers and potentially expensive repairs to the bridge'. In fact, for the year ending 31 March 2012, Network Rail reported 11 recorded bridge strikes at the Barrowby Road Bridge in the Grantham urban area (3 of the bridges in the town are amongst the 10 most hit bridges in the country). Consequently, due to a lack of alternative routes and serious bridge height constraints, there are a large number of HGV bridge strikes in and around Grantham Town Centre, which adds to the problems of congestion and delay.

- 3.3 There is significant queuing and congestion during peak periods and during the 'school run' around the town centre traffic collar and along key radial routes. Cycle times at the signal junctions in the town centre are long, resulting in significant delays for pedestrians waiting to cross.
- 3.4 Various small-scale developer and County funded schemes have assisted in improving traffic flow through the town centre, but it is recognised that larger scale developer-funded schemes such as the GSRR would be required in order to effect significant improvements and to accommodate future planned developments
- 3.5 The Local Transport Plan 4 notes that, to date, five Air Quality Management Areas (AQMAs), have been declared in Lincolnshire where levels of nitrogen dioxide (NO₂) are predicted to exceed the threshold set down in the National Air Quality Strategy. In all cases, the primary source of NO₂ is road traffic. Two of the five locations are within Grantham Town Centre:
- Wharf Road, Grantham.
 - Brook Street / Manthorpe Road, Grantham.
- 3.6 The most recent Air Quality monitoring as outlined in the 2012 Updating Screening and Assessment Report, suggests that there are also other areas in the town where the thresholds are being breached. Consideration is currently being given to consolidating the existing AQMAs into a single area to incorporate these new areas of concern.
- 3.7 Removing through traffic, in particularly HGVs, from Grantham Town Centre may contribute towards tackling the air quality problems.
- 3.8 As well as these specifically transport considerations, there are several key issues currently affecting Grantham. South Kesteven District Council (SKDC) Local Development Framework (LDF) Core Strategy outlines that Grantham has been identified as 'an urban area with the capacity to support sustainable growth. This will provide the means to strengthen the role of the town as a Sub-Regional Centre. Grantham has also been awarded New Growth Point status, which will require two urban extensions to accommodate the increased development.'
- 3.9 The latest SKDC housing strategy, for the period 2013-2018, outlines that the growth plans for the district anticipate the development of 7,500 homes and up to 4,000 new jobs by 2026 in the Sustainable Urban Extensions (SUEs) of Grantham, referred to as the North West Quadrant/Poplar Farm and the Southern Quadrant (SQ), reflecting Grantham's status as a Growth Area. The SQ SUE lies on the southern edge of the built up area of Grantham between the A1 and A52. The land is situated 1.5km south of the town centre and has the potential for up to 3,500 new homes, alongside local shops, schools, community facilities and 110,000sqm of employment land.
- 3.10 Whilst a small quantum of the SQ development could be served from the existing highway network, the full delivery of the SQ SUE can only be

facilitated by the delivery of the GSRR, which is therefore fundamental to the development proposals. Whilst the GSRR scheme therefore has a strong justification in purely highways terms it also makes a major contribution to the growth plans for the town of Grantham and the road has been designed in consultation with South Kesteven District Council and the relevant landowners to ensure that the road is able to contribute as much as possible to the growth ambitions for the town.

4 GSRR Scheme objectives

4.1 The issues referred to in section 3 above are reflected in the objectives of the GSRR scheme which are as follows:-

Objective 1 - To contribute to the expansion of Grantham by facilitating the provision of a mixed use development including up to 3,500 homes, employment opportunities and community facilities in accordance with the Grantham Southern Quadrant SPD.

Objective 2 - To provide a relief road that links the A52 and the A1 and thereby improve connectivity and cater for strategic traffic movements, in particular HGVs.

Objective 3 - To support the Transport Strategy for Grantham by helping tackle town centre congestion and contributing to creating a safer, more attractive and assessable environment in Grantham Town Centre by removing strategic through traffic.

Objective 4 - To address the problems of disruption and unplanned delays within Grantham Town Centre associated with a high number of HGV bridge strikes

Objective 5 - To help improve the quality of life for Grantham residents, workers and shoppers by reducing carbon emissions and noise pollution in the town centre.

5 Key milestones in scheme progress to date

5.1 Construction of Phase 1 of the GSRR was completed in July 2016.

5.2 Advance utilities works such as the diversion of the 11kV underground electrical cables and 33kV underground electrical cables were successfully completed by Western Power Distribution (WPD) in October and November 2017 for phase 3 (SQLR). Works were carried out under a wayleave obtained by WPD.

5.3 Galliford Try has now completed the tree / hedgerow clearance along embankments of the A1 in April 2017 for phase 2 and at the same time completed ground penetration radar surveys during the lane closures, mainly in the area where the new underbridge is to be constructed, to ensure that any unknown utilities are discovered well in advance of construction and reduce risk and the construction programme.

- 5.4 Archaeology for Phase 2 is due to commence on 2 January 2018 after a successful tender process resulting in the works being awarded to Allen Archaeology. This is anticipated to take 9 weeks.
- 5.5 Archaeology for Phase 3 is expected to complete in December 2017. This work has taken 5 months.
- 5.6 Technical Approval is the review of the design by the highway authority for any redesign of the strategic road network. This is to ensure design compliance with the authority's specific needs. The design prepared on behalf of LCC has now undergone a number of iterations for approval with Kier since December 2016. Highways England has now granted technical approval in principle to LCC for the design of Phase 2 of the scheme. They have placed caveats on the approval on the basis that outstanding issues with wider consequential signing are closed out in advance of construction for phase 2 taking place.
- 5.7 The design for phase 3 continues to progress to its final stages with mainly the technically challenging Network Rail (NR) and Environment Agency elements being worked through.

6 Land acquisition

- 6.1 The extent of the freehold land and land over which rights are required to construct the GSRR scheme is shown on the Order Plans (Appendix H). This land is predominantly arable farmland in various ownerships but with the majority of the land belonging to one owner. The use of Compulsory Purchase Order powers is however the only way to guarantee that the land required for the scheme is available to the Council.
- 6.2 Land acquisitions for Phase 2 are proceeding well. LCC may not need to use compulsory purchase powers to acquire the land. However, should issue arise with the agreements, LCC have the fall-back position of utilising these powers.
- 6.3 The majority land owner for Phase 2 has signed a key legal agreement with LCC in September 2017. LCC have now acquired the majority of land required for constructing Phase 2. The legal agreement contains a time frame within which LCC needs to complete construction of Phase 1 and Phase 2 of GSRR.
- 6.4 Heads of terms are agreed in principle by land agents for two other Phase 2 landowning parties and their respective solicitors are drafting legal documentation to be agreed.
- 6.5 An agreement with Highways England to transfer a further necessary triangle of Phase 2 land to LCC is also well advanced.
- 6.6 Land acquisitions for Phase 3 have begun. There are 53 land interests affected by Phase 3 of the GSRR with 5 land owners involved. There are also several tenancies in place which affects negotiations going forward.

- 6.7 Initial engagement of land owners has begun and Heads of Terms ("HOTs") have been agreed in principle with key landowner and stakeholder Network Rail ("NR").
- 6.8 "License Condition 7" process to determine Network Rail's operational use of a triangle of land east of ECML has begun and is due to complete 15 January 2018. The land would then be available for acquisition directly from NR. LCC is already in discussion with NR to progress this acquisition.

7 The Orders and Overview of the Statement of Reasons (SoR)

7.1 The Orders to be made are as follows:-

- 7.1.1 LCC will make and promote the Lincolnshire County Council (A52 Grantham Southern Growth Corridor – Grantham Southern Relief Road) Compulsory Purchase Order 2018. This order contains provision for the compulsory acquisition of land for the purposes of both the County Council highway elements of the GSRR scheme and the trunk road elements associated with the A1 junction. The former are included in the order pursuant to the Council's own compulsory purchase powers, the latter are included through the exercise by the Council of Highways England compulsory purchase powers to be delegated to the Council under section 6 of the Highways Act 1980
- 7.1.2 In addition to promoting a Compulsory Purchase Order, LCC is making The Lincolnshire (A52 Grantham Southern Growth Corridor – Grantham Southern Relief Road) (Classified Road) (Side Roads) Order 2018 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 County Council highways elements of the GSRR Scheme to be built. This Side Road Order is again made under the Council's own statutory powers.
- 7.1.3 LCC is also promoting the The A1 Trunk Road (Grantham Southern Growth Corridor) (Side Roads) Order 2018 to link the new road to the A1 Trunk Road which are also necessary to enable the Scheme to be built along with any consequential alterations to the existing highway network including private means of access and rights of way. This Order is made on behalf of Highways England in exercise of powers to be delegated under section 6 of the Highways Act 1980.
- 7.1.4 There is also a need for the making of The A1 Trunk Road (Grantham Southern Growth Corridor) (Slip Roads) Order 2018 which is necessary to ensure that the slip roads at the A1 junction are created as or otherwise become trunk road on completion. This is an Order which is made by the Secretary of State for Transport and not Highways England and therefore cannot be delegated by Highways England under section 6 of the Highways Act 1980. Discussions are ongoing with the Department for Transport as to whether any part of the order making process can or would be delegated to the Council. In the absence of such a delegation the Council will closely liaise with

the DfT to ensure that the process for the making of the slip roads order is closely aligned with and where possible integrated within the other order making processes.

- 7.2 A SoR has been prepared which sets out the reasons for building the GSRR and explains the need for the Compulsory Purchase Order and other Orders 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 GSRR scheme works to be carried out.
- 7.3 The draft SoR for the GSRR can be found in Appendix I. Although there are elements of the SoR which require further work (indicated in the form of notes within the document) the nature of the justification of the GSRR scheme and the use of compulsory purchase and side roads order powers in relation to the GSRR scheme is clear from the SoR. Although brief summaries are given below of the needs for and justifications of the various orders referred to above, the full justification is set out in the SoR including detail of the highways considerations and the alignment of the GSRR scheme with national and local policy. Members of the Executive must have regard to the SoR at Appendix I as a whole in considering whether the powers available to the Council and delegated to it by Highways England or (potentially) the Secretary of State should be exercised for the purpose of making orders in relation to the GSRR scheme.
- 7.4 The current drafts of the documents comprising the Compulsory Purchase Order can be found at Appendices F, G and H of this Report. The current drafts of the County Council Side Roads Order with its draft plans can be found at Appendices B and C to this Report. The draft trunk road Side Roads Order can be found at Appendix E to this Report. The draft Slip Roads Order that will be made by the Secretary of State if not delegated is attached at Appendix D to this Report.
- 7.5 All of these 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. By way of illustration it is understood that the design of the current phase 2 (A1 junction) works is adequate to accommodate the recent planning permission granted for a designer outlet village on the King 31 land. However if adjustments were required to the design and the land required changes would need to be made to the Orders.
- 7.6 To give the necessary flexibility to progress the Scheme in an efficient and timely manner a delegation is sought to the Executive Director for Environment and Economy to make necessary changes prior to publication of the Orders and during the process of seeking their confirmation.

8 The Need for and Justification of the Compulsory Purchase Order.

- 8.1 The Draft Compulsory Purchase Order can be found in Appendix F.
- 8.2 The purpose of seeking to acquire land and new rights compulsorily is to enable the GSRR to be constructed. These proposals would enable LCC to

meet its statutory purposes and strategic highway objectives within the shortest realistic timescale in the most appropriate way.

8.3 LCC recognises that a CPO for the GSRR 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.

8.4 LCC would be making the Order to secure the outstanding interests and new rights required to enable implementation of the GSRR, 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 land owners affected by the scheme as the precise extent of land ownership could not be established. LCC has held or intends to hold discussions with the owners of relevant interests in an attempt to reach agreement but the CPO remains necessary to ensure that the GSRR can proceed.

9 The Need for and Justification of the Side Roads Orders

9.1 The purpose of the Side Roads Orders is to maintain access to all land and property directly affected by the GSRR 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 Orders.

9.2 The draft LCC side roads order can be found in Appendix B and the draft Trunk road side road order can be found in Appendix E.

9.3 LCC recognises that the Side Roads Orders for the GSRR can only be made if there is a compelling case in the public interest which justifies the acquisition of private rights and interests and the creation of new rights sought to be acquired. A compelling case exists here as set out in the SoR. The Side Roads Orders are necessary and justifiable in the public interest.

10 The Need for and Justification of the A1 Trunk Road Slip Roads Order

10.1 The planning permission granted in respect of the connection with the A1 Trunk Road indicated that direct connections on to and off the A1 would be provided to enable an all movement junction to be created. The junction would ensure that anyone wishing to connect with the GSRR Scheme or to access the Kings 31 development site could do so from both north and south on the A1.

10.2 In order to achieve that movement and to meet the requirements of the planning permission as granted the Slip Roads Order is necessary. The Slip Roads as shown in the order have been designed to meet the relevant and

applicable standards and have been assessed by Highways England and have received the necessary technical approval to be acceptable.

- 10.3 The draft Slip road orders can be found in Appendix D. The considerations in relation to the making of this Order are dealt with in paragraph 7.2.4 above.

11 The need and justification for entering into agreement(s) pursuant to Section 6

- 11.1 In order to work on the A1 Trunk Road, LCC will need to sign up to agreement under section 6 of the Highways Act 1980 with Highways England and potentially also an agreement with the Secretary of State. This will allow the LCC contractor to work on the trunk road network. A commuted sum will be payable to Highways England to maintain the new infrastructure provided by LCC to deliver the grade separated interchange which cannot be finalised until the design is approved. Another condition imposed on LCC by Highways England is the need to address the loss of lay by provision created by this scheme, which will require the building of additional laybys on the A1 beyond the site of the grade separated junction. These details have still not been finalised with Highways England. LCC also require the section 6 agreements for obtaining delegated authority for publishing of compulsory purchase orders and side roads orders affecting the trunk road

- 11.2 The Draft Section 6 Agreement can be found in Appendix J.

12 Programme

- 12.1 The current estimated programme for delivery of the Scheme is as follows:

End of January 2018 - Orders made and published (subject to sign off from Highways England and Department for Transport for Section 6, Section 14 and Section 10 documents)

March 2018 - Objection period ends

March 2018 – Secretary of State’s decision made whether to confirm the Orders (Should Public inquiry not be required)

Summer 2018 – Scheme starts (Should a public inquiry not be required)

Spring 2020 – Scheme Opens (Should a public inquiry not be required)

13 Funding of the Grantham Southern Relief Road

- 13.1 The entire scheme is estimated to cost around £81.5 million of which Construction of the SQLR is estimated to cost around £44 million.

- 13.2 LCC and SKDC, working in collaboration, have already secured three sources of grant totalling £33m which will fund the whole of the King 31 Phase 1 and Phase 2 and an element of SQLR. This comprises the Local Transport Board grant of £11.9m, Single Local Growth Fund grant of £16.1m and Highways England Growth and Housing Fund grant of £5m.
- 13.3 The remainder of the funding is proposed to be provided by Developer contributions through S106 planning agreements for the Southern Quadrant Development (SQD). LCC will forward fund the S106 agreement contributions and the balance will be funded by LCC. It should be noted that the s106 contributions are not yet secured by any agreement or documentation. The overall financial and funding position is set out in the following table.

	Previous Years	2017/18	2018/19	Future Years	Total
	£m (Actual)	£m	£m	£m	£m
Grant LTB, SLGF, GHF	9.315	2.4	7.7	13.585	33
Developer contributions	0	0		28.5	28.5
LCC Contribution + Forward Funding				19.5	19.5
SKDC Contribution				0.5	0.5
TOTAL	9.315	2.4	7.7	62.085	81.5

- 13.4 LCC have submitted an expression of interest for a further £28m of funding through the Homes and Communities Agency's (HCA) Housing Infrastructure Fund (HIF) which could help divert some of S106 received to other much needed infrastructure improvements in Grantham. Results of LCC's initial bid will be announced in January 2018 where successful applicants will be invited to move forward with the second phase of applications.

14 Contract Letting

- 14.1 The Executive Director for Environment and Economy currently has delegated authority to award the main works contract for phase 2 to Galliford Try through the Midland Highways Alliance Medium Schemes Framework 2.
- 14.2 LCC are looking into procurement options for phase 3 and are engaging with contractors interested in bidding for the contract to construct phase 3.
- 14.3 Contract documents are being progressed by design consultants WSP.
- 14.4 The intention is to go out to tender at the end of Summer 2018 depending on the routes available at the time. The options currently being considered

are through a restricted tender and through the Midland highways alliances' new Medium Schemes Framework 3.

- 14.5 Options will be considered in detail once details of the new framework are finalised.
- 14.6 Approval is sought in principle for the Council proceeding to procure and award a contract for the construction of the SQLR for which no approval has previously been given. The detail of the process to be followed and the terms of the contract would be determined under delegated authority by the Executive Director for Environment and Economy.

15. Legal Issues:

State Aid

- 15.1 State Aid advice has been obtained on all Phases of the GSRR and these have been considered as part of any land deals being taken forward.
- 15.2 In respect of the SQLR (phase 3 of GSRR) the advice is that the construction of the road does not constitute State Aid. Principally this is because the GSRR is a road which when built will be open to all potential users free of charge and without discrimination: and it will provide benefits to those in the area generally (e.g. by reducing traffic through Grantham itself and facilitating the strategic movement of traffic). The fact that the road may be constructed with a view also to facilitating growth and the fact that land may be brought into development as a result of its construction does not affect this position.
- 15.3 State Aid could potentially arise if elements of the design and construction were put in place solely to benefit an individual undertaking such as a landowner with development plans. This may be the case with, for example, the construction of a roundabout giving access to the development site. No State Aid will arise, however, if the landowner(s) in question contribute financially to the scheme in an amount equal to or in excess of the cost of those elements of the works. In the case of the SQLR, the section 106 contributions to be made by landowners will be more than sufficient to outweigh the costs of works which may be said to benefit them exclusively.
- 15.4 This will be kept under review as the scheme progresses to ensure that all necessary s106 contributions are secured.

Human Rights

- 15.5 The Council has addressed the implications arising from the GSRR 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.

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

15.7 *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.

15.8 *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.

15.9 *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.

15.10 *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.

15.11 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 Council’s powers and duties as a local authority. Any interference with a Convention right must be necessary and proportionate.

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

15.13 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.

Equality Act 2010

15.14 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

15.15 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

15.16 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

15.17 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

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

15.19 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, Slip Road Orders and Side Roads Orders. 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. This includes the proposed bridge over the ECML and River Witham.

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

15.20 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 4.1 above and the air quality information in paragraphs 3.5 to 3.7 the GSRR scheme has significant benefits for both the health and wellbeing of people in Grantham.

Crime and Disorder

15.21 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.

16 Conclusion

16.1 The GSRR Scheme has been promoted through significant number of policy documents published by both the County Council and SKDC. The need for the GSRR 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

16.2 For the reasons set out in the Report and in the draft Statement of Reasons LCC a compelling case exists in the public interest for the GSRR Scheme and for the making of a Compulsory Purchase Order and Side Roads Orders in order to give effect to the GSRR Scheme .

16.3 Further work is necessary on the Statement of Reasons and the Orders before they are finalised for publication. The delegations requested from the Executive will allow the GSRR to be progressed at critical points in an efficient and effective manner and ensure that funders have the confidence that LCC can deliver this ambitious project.

4. Legal Comments:

Section 239 (1) and 239 (3) of the Highways Act 1980 enables a highway authority to acquire land required for the construction and improvement of a highway. Sections 14 and 125 of the Highways Act 1980 confer power on the Council as highway authority to make side roads orders.

The Highways Act 1980 contains similar powers for Highways England in relation to trunk roads. Section 6 of the Highways Act 1980 contains powers for Highways England to authorise the County Council to exercise the powers of Highways England in relation to trunk roads and empowers the County Council to exercise such powers where authorised to do so. Circular 2/97 states that the Secretary of State will not confirm a Compulsory Purchase Order until he is satisfied that planning permission for the scheme, to which the Order relates, has been granted. Planning permission has been granted for the GSRR scheme. Counsel's advice is that, on the basis of the information which has been provided to him, and provided it can then be justified then the scheme appears to be a robust one in justifying the use of compulsory purchase powers.

The legal considerations that the Council must take into account in reaching a decision are set out in the Report.

The proposal is consistent with the Policy Framework and within the remit of the Executive if it is within the budget.

5. Resource Comments:

The currently approved Council Budget includes the total funding available as set out in section 13 of this report including the forward funding of future S106 contributions. The recommendations within this report will need to be undertaken within this approved funding.

6. Consultation

a) Has Local Member Been Consulted?

No

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The decision has not been subject to pre-decision scrutiny

d) Have Risks and Impact Analysis been carried out??

See the body of the Report

e) Risks and Impact Analysis

See the body of the Report

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Plan showing the route of the GSRR
Appendix B	Draft Lincolnshire County Council (A52 Grantham Southern Growth Corridor – Grantham Southern Relief Road) (Classified Road) (Side Roads) Order 2018
Appendix C	Draft plans to the Lincolnshire County Council (A52 Grantham Southern Growth Corridor – Grantham Southern Relief Road) (Classified Road) (Side Roads) Order 2018
Appendix D	Draft The A1 Trunk Road (Grantham Southern Growth Corridor) (Slip Roads) Order 2018
Appendix E	Draft The A1 Trunk Road (Grantham Southern Growth Corridor) (Side Roads) Order 2018
Appendix F	Draft Lincolnshire County Council (A52 Grantham Southern Growth Corridor – Grantham Southern Relief Road) Compulsory Purchase Order 2018.
Appendix G	Draft Schedule to the Lincolnshire County Council (A52 Grantham Southern Growth Corridor – Grantham Southern Relief Road) Compulsory Purchase Order 2018.
Appendix H	Draft plans to the Lincolnshire County Council (A52 Grantham Southern Growth Corridor – Grantham Southern Relief Road) Compulsory Purchase Order 2018.
Appendix I	Draft Statement of Reasons to accompany the Compulsory Purchase Order, Slip Road Orders and the Side Roads Order
Appendix J	Draft Section 6 Agreement with Highways England

8. Background Papers

Document title	Where the document can be viewed
GSRR Outline Business Case	https://www.lincolnshire.gov.uk/transport-and-roads/major-projects/grantham-southern-relief-road/a52-grantham-southern-relief-road-outline-business-case/131948.article
Grantham Transport Strategy	http://uk.sitestat.com/lincolnshire/lincolnshire/s?Home.transport-and-roads.strategy-and-policy.grantham-transport-strategy.80479.articleDownload.8909&ns_type=pdf&ns_url=https://www.lincolnshire.gov.uk//Download/8909
S08-0448: original King 31 planning permission;	http://www.southkesteven.gov.uk/index.aspx?articleid=8170#/
S13-0775: original SQLR planning permission:	http://www.southkesteven.gov.uk/index.aspx?articleid=8170#/

S14-1389: approval of pre-commencement details relating to conditions 2, 3, 8, 18 and 22 on planning permission S08-0448;	http://www.southkesteven.gov.uk/index.aspx?articleid=8170#/
S14-3560: approval of details reserved by condition 3 on planning permission S08-0448;	http://www.southkesteven.gov.uk/index.aspx?articleid=8170#/
S15-2101: Section 73 application to amend conditions 2 and 11 of planning permission S13-0775;	http://www.southkesteven.gov.uk/index.aspx?articleid=8170#/
S16/0796: approval of proposed new GSJ on A1.	http://eplanning.lincolnshire.gov.uk/ePlanning/
S15-0727: non-material amendment to roundabout geometry on planning permission S08-0448;	http://www.southkesteven.gov.uk/index.aspx?articleid=8170#/

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