

Open Report on behalf of Andy Gutherson, Executive Director - Place

Report to:	Executive
Date:	06 February 2024
Subject:	North Hykeham Relief Road (NHRR) – Land Assembly Preparation and Highways Matters
Decision Reference:	I030650
Key decision?	Yes

Summary:

The purpose of this report is to seek approval from the Executive to carry out preliminary steps necessary for the preparation and pursuit of a Compulsory Purchase Order (CPO) and Side Roads Order (SRO) which are required to deliver the North Hykeham Relief Road Scheme. Approval is also sought to exercise certain powers under the Local Government (Miscellaneous Provisions) Act 1976 to establish ownership and other interests in land connected to the delivery of the NHRR which will be required to be served on relevant owners, occupiers and those with interests in the land. As the NHRR connects onto the Trunk Road Network, approval is sought to enter into an agreement with National Highways to facilitate works on the A46 Trunk Road and exercise statutory powers required to deliver the NHRR.

Recommendation(s):

It is recommended that the Executive:

1. approves the carrying out of all necessary steps to enable the preparation of a Compulsory Purchase Order or Orders under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981, to compulsorily acquire land and rights required to deliver the NHRR.
2. approves the carrying out of all necessary steps to enable the preparation of a Side Roads Order or Orders under section 14 and 125 of the Highways Act 1980, to improve, stop up, and construct new highway, and to stop up and provide new private means of access, required to deliver the NHRR.
3. approves the exercise of power under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 including the service of notices in respect of any land which is connected to the delivery of the NHRR.
4. approves the acquisition by agreement under section 120 of the Local Government Act 1972 of the land and interests required to deliver the NHRR, in parallel to preparing a CPO.

5. authorises negotiations with National Highways and/or the Secretary of State for Transport for an agreement pursuant to section 6 of the Highways Act 1980 with regards to highways works on the A46 Trunk Road and the subsequent exercise by Lincolnshire County Council of National Highway’s statutory powers required to deliver the NHRR.
6. delegate to the Executive Director of Place in consultation with the Executive Councillor for Highways Transport and IT authority to undertake all necessary negotiations, take all necessary decisions and determine the final form and approve the entering into of the prospective section 6 agreement referred to at paragraph 5 above.
7. delegate to the Executive Director of Place in consultation with the Executive Councillor for Highways Transport and IT authority to undertake all necessary negotiations, take all necessary decisions and determine the final form and approve the entering into of all necessary legal documentation to give effect to the acquisitions referred to at paragraph 4 above.

Alternatives Considered:	
1.	<p>Not to prepare for a CPO and SRO or to acquire land by agreement or enter into a section 6 Agreement.</p> <p>In the absence of acquisition of land by agreement or a CPO and SRO, or the entering into of a section 6 agreement, the Council would not be able to proceed with the project. The Council would no longer be entitled to receive the Department for Transport (DfT) funding, and any funds drawn down would need to be repaid. The economic, environmental, social, and transport benefits of the scheme would not be realised.</p>
2.	<p>Wait until after planning permission has been considered with a positive result being issued before preparing for a CPO and SRO.</p> <p>Delaying this key decision until there is certainty of the scheme’s planning status would introduce significant time delay to the delivery of the scheme – both during preconstruction and construction. Accordingly, the scheme costs would also be higher and the economic, environmental, social, and transport benefits of the scheme delayed.</p>

Reasons for Recommendation:

To ensure the NHRR scheme is progressed expediently and that statutory orders for the scheme can be published and progressed at the earliest opportunity and the necessary powers from National Highways can be acquired and exercised.

1.1 Background

1.1.1 The NHRR, previously known as the Lincoln Southern Bypass (LSB), is the last major highway scheme contained within the Lincoln Integrated Transport Strategy (LITS). The NHRR is also the last element of a complete ring road around the greater Lincoln urban area comprising both Lincoln and North Hykeham. The ring road will comprise of four sections of carriageway: the Lincoln Western Relief Road (LWRR), the Lincoln Northern Relief Road

(LNRR), the Lincoln Eastern Bypass (LEB), and the NHRR. The NHRR will also form part of the Lincolnshire Coastal Highway.

1.1.2 The NHRR has been a long-term aspiration of the County and District Councils, and the principle of a relief road has been developed as part of several strategies and policy plans covering the Lincoln area for many years; this includes the LITS of which NHRR is a key part.

1.1.3 Following the identification of the preferred route in 2006, the adoption of the Central Lincolnshire Local Plan in 2017 and its 2023 replacement (CLLP2023) (in both of which the NHRR is a key supporting infrastructure scheme), and construction of the LEB, the Council is now able to progress proposals for the NHRR. The proposed NHRR will provide a new road link to the south of the city of Lincoln and the suburb of North Hykeham.

1.1.4 The NHRR will provide a connection between the A46 (at the scheme’s western end), and the A15 (at the scheme’s eastern end), where it will link into the LEB. The route of the proposed scheme passes through an area of predominantly farmland, situated to the south of the city of Lincoln and the suburb of North Hykeham.

1.1.5 The project aims and benefits are to:

- Assist the sustainable economic growth of Lincoln and Lincolnshire;
- Improve the quality of life in central Lincoln and surrounding area;
- Maximize accessibility to central Lincoln; and
- Improve road safety in central Lincoln and the other settlements nearby.

1.1.6 There have been several previous reports provided to the Executive and other decision-making forums on, and related to, the NHRR scheme. These include:

September 2005	Authority to undertake public consultation for the LSB
April 2006	Authority to undertake further work to determine a preferred route for the LSB
November 2006	Discretionary blight policy adopted
December 2006	Preferred route of LSB adopted
April 2013	4 th Lincolnshire Local Transport Plan adopted
April 2017	Central Lincolnshire Local Plan 2017 adopted
October 2018	Approval to seek funding for NHRR
February 2022	5 th Lincolnshire Local Transport Plan adopted
April 2022	Award to Balfour Beatty a two-stage design and build contract for the delivery of the NHRR
February 2023	Budget approved (including NHRR as part of the capital programme)
April 2023	Central Lincolnshire Local Plan 2023 adopted
October 2023	Change to the preferred route of the NHRR and authority to submit a planning application for NHRR.

1.1.7 In May 2022 the Council entered into a two-stage design and build contract for the delivery of the NHRR. Balfour Beatty was awarded the contract through the SCAPE framework and began work on Stage 1. The scope of the first contract stage includes making preparations to submit a planning application as well as possible future requirement in relation to the planning determination & discharge of conditions, support in respect of statutory orders, detailed design, and full business case preparation.

- 1.1.8 The work completed to date predominantly relates to the collection of baseline data, environmental, archaeological and geotechnical surveys, outline design, preparation and submission of a planning application including an Environmental Impact Assessment (EIA). Preliminary work on statutory orders has also been undertaken to support this report.
- 1.1.9 In October 2023 the Executive approved a change in the preferred route of the NHRR previously adopted by the Executive in December 2006. Furthermore, the Executive approved the submission of a planning application to the County Planning Authority (CPA) under Regulation 3 of the Town and Country Planning General Regulations 1992 for the development of the NHRR.
- 1.1.10 A planning application for the NHRR scheme (ref PL/0087/23) was submitted to the CPA on 31 October 2023 and validated on 14 November 2023. Planning matters are subject to a separate and distinct process reporting to the Planning and Regulation Committee.
- 1.1.11 The pursuit of CPO/SRO's would often follow from a grant of planning permission but there is no reason why that should be the case as they are two distinct and separate procedures with each element capable of being considered in their own right; especially given the need for preparatory works being necessary before any CPO/SRO can be made.

1.2 Scheme Benefits

- 1.2.1 The scheme provides economic, environmental, social, and transport benefits.
- 1.2.2 By providing an alternative route choice for A46 users to travel around or bypass the Lincoln urban area, journey time savings are made for medium and longer trips on these routes. Congestion is reduced on some radial routes into the city centre, in particular on the A1434 Newark Road / A15 corridor, plus Brant Road and the A607 Grantham Road. Congestion is also reduced within the Lincoln urban area, in particular in North Hykeham and Waddington, which reduces travel time for shorter trips in these areas. The value of the journey time savings is forecast at £152.1m for business users and £179.6m for other users.
- 1.2.3 The scheme also produces benefits for journey time reliability through providing additional network capacity and route choice, in particular for east-west movements and as an alternative route around the city to the existing orbital network.
- 1.2.4 There will be an overall improvement to the performance and reliability of the local transport network which will improve the efficiency of businesses and promote sustainable economic growth. The scheme increases effective business catchment areas, which has a positive benefit for labour supply and a move to more productive jobs.
- 1.2.5 The NHRR is a vital part of Lincolnshire's plans to support the growth of its priority economic sectors, improve the efficiency of the strategic road network within central Lincolnshire – and in turn the links to the major national and international gateways - and support the creation of new housing.
- 1.2.6 The scheme unlocks the South West Quadrant (SWQ) Sustainable Urban Extension (SUE). The whole of this development is dependent on the NHRR. The development will be residential led, incorporating circa 2,000 dwellings and up to 5ha of additional general

employment land, along with retail and community uses including a new primary school, open space and formal sports pitches.

1.3 **The Scheme**

1.3.1 Overview

1.3.2 The NHRR scheme comprises approximately 8km of 120kph dual all-purpose 2 lane carriageway running to the south of the existing conurbations of North and South Hykeham in an east/west direction between the A46 Hykeham Roundabout and the A15 Sleaford Road Roundabout at the west end of the LEB.

1.3.3 The NHRR passes mainly through flat mixed farmland on two levels. The lower area to the west will be crossed generally at grade or on low embankment rising to cross the River Witham on a combination of embankment and a bridge. Between Brant Road and Station Road the scheme will be constructed on embankment. Station Road will be re-aligned and cross the NHRR on a new bridge to ensure that connectivity is maintained, whilst allowing the NHRR to pass under Station Road in cutting. Beyond Station Road, the NHRR transitions into a major cutting to reach the top of an escarpment. Once the top of the escarpment is attained, the remainder of the scheme crosses the landscape generally at grade or on low embankments.

1.3.4 The proposed scheme is illustrated on the Scheme Overview drawing contained in Appendix 1.

1.3.5 Junctions

1.3.6 A signal-controlled junction will be provided at the A46 in place of the existing priority roundabout which forms part of the Trunk Road Network under the control of National Highways. New junctions, in the form of priority roundabouts, will be constructed on the existing north/south radial roads of South Hykeham Road, Brant Road and Grantham Road, with a connection to the existing A15 roundabout on Sleaford Road at the east end. Signal controlled crossings will be provided to the north of each of the priority roundabouts on South Hykeham Road, Brant Road, Grantham Road and A15 Sleaford Road. The existing signalised junction at the Grantham Road High Dyke junction will be modified to include a pedestrian phase to enable crossing to the proposed combined footway/cycleway adjacent to the northbound carriageway of Grantham Road. Uncontrolled crossings will be provided on Middle Lane and Station Road.

1.3.7 Footway, cycleway and bridleway

1.3.8 The Viking Way will be re-routed along the top of the cutting to the south of the proposed scheme to connect to the proposed bridge adjacent Grantham Road. Additional amenity footpaths will be created to the north of the proposed scheme, east of Station Road, in order to ensure that access along the top of the existing escarpment is maintained as far as possible, with a connection to Station Road.

1.3.9 A combined footway/cycleway will run the length of the proposed scheme to link the existing NMU facilities at the A46, to those at the A15 that were constructed as part of the LEB. The combined footway/cycleway will run adjacent to the eastbound carriageway between the A46 and Station Road, crossing the Proposed Scheme via the new Station Road bridge before traversing the escarpment slope on a route remote from the carriageway. Immediately to the west of Grantham Road, the combined footway/cycleway will cross the Proposed Scheme via Viking Way Bridge from where it will run adjacent to the eastbound carriageway to the A15. Where the footway/cycleway is adjacent to the carriageway, there will be a minimum setback of 4m from the edge of carriageway, except for the section across the proposed River Witham Bridge where this will be reduced to 2.5m.

1.3.10 An accommodation bridge will be provided at Wath Lane to allow landowner access and enable continuity of the bridleway. Associated access tracks will also be designated as a Public Bridleway between Wath Lane and the River Witham to create a circular route and additional amenity facilities.

1.3.11 Key Features

1.3.12 The proposed scheme includes the following key features from west to east:

- A46 Hykeham Roundabout – an increase in size and number of circulatory lanes, additional arm required for the proposed scheme and signalisation of the roundabout, together with associated NMU facilities;
- New South Hykeham Road roundabout and associated crossing facility to the north of the roundabout;
- South Hykeham bat bridge;
- Wath Lane NMU crossing and accommodation bridge;
- River Witham bridge;
- New Brant Road roundabout, associated crossing facility to the north of the roundabout and realignment of Somerton Gate Lane;
- Somerton Gate Lane bat culvert;
- Station Road bridge;
- Realigned Viking Way;
- New Grantham Road roundabout and associated crossing facility to the north of the roundabout;
- Modification of the existing signalised junction at the A607 Grantham Road and High Dyke to incorporate a pedestrian crossing facility;
- A15 Sleaford Roundabout, associated crossing facility to the north of the roundabout and additional arm.
- Dualling of a 190m section of the Lincoln Eastern Bypass;
- Lighting of junction areas;
- Drainage attenuation ponds;
- Wildlife ponds, mitigation and enhancement features;
- Noise bunds and barriers and low noise surfacing on high speed sections; and
- Landscape planting.

1.4 **Scheme Costs and Funding**

1.4.1 The most likely cost of the scheme is estimated at £193.9m and within an overall range of between £180.4m and £208.2m, as reported to the Executive in October 2023.

- 1.4.2 The scheme will be funded by the following contributories, shown together with the value of their contribution:
- Department for Transport - ≥£110,045,000
 - Lincolnshire County Council - £73,882,000
 - S106 developer contributions – ≥£10,000,000
 - **TOTAL £193.927m**
- 1.4.3 LCC will forward fund the S106 developer contributions, with a view to recovering the money as and when the developments come to fruition.
- 1.4.4 The latest funding profile including the amount of the LCC contribution was approved at Full Council in February 2023.
- 1.4.5 On 4 October 2023 the Government published ‘Network North: transforming British transport’ which outlined significant changes to the High Speed Two (HS2) project and the reinvesting of the money saved across the Midlands and the North. This includes increasing funding for most existing Major Road Network and Large Local Major road schemes. Subject to successful business case approval, the NHRR stands to benefit from an uplift in the government contribution of up to 100% of the cost identified at the outline business case stage.

1.5 **Timetable**

- 1.5.1 The timetable for the scheme is set out below. The timetable builds on that previously reported to the Executive in October 2023.
- Preconstruction (stage one) – May 2022 to October 2025
 - Planning application submitted – October 2023
 - Preliminary authority to prepare statutory orders (this report) – February 2024
 - Planning determination – Spring 2024
 - Authority to make statutory order – Summer 2024
 - Make statutory orders – Summer 2024
 - Potential public inquiry – Spring/Summer 2025
 - Full business case – Autumn 2025
 - Construction (stage two) – Autumn 2025 – Autumn 2028
- *all future dates are projected and subject to change dependent on external factors.
- 1.5.2 The next key step for the project after the approval to prepare the CPO and SRO will be the making of the same statutory orders, which are necessary to stop up, create and improve highways, and for the acquisition of land. A further report containing the final details of the proposed orders will be presented to the Executive in due course. In order to minimise the risk of challenge, it is proposed that this decision will only be taken once a planning consent has been approved.
- 1.5.3 Negotiations with landowners, occupiers, and other interested parties, to secure the land and interests required to deliver the NHRR can commence without delay and are consistent with the proactive way the scheme has been progressed so far. The conclusion of any such negotiations will be subject to the Council’s normal processes and procedures at the time in respect of the acquisition of land and property, subject to the recommended delegation to approve the terms of acquisition of land and interests required to deliver the NHRR. Where the Council acquires land by agreement, they will pay compensation as if it had been compulsorily purchased, unless the land was already on offer on the open market.

1.5.4 The Council is able to progress negotiations with National Highways in relation to a prospective agreement pursuant to section 6 of the Highways Act 1980 without delay. However, it is thought that preliminary negotiations, although informal until such time as the planning application has been considered and determined in addition to technical checks, could move the project forward. It is necessary to enter into the Section 6 agreement prior to making a CPO and SRO.

1.6 Purpose and Justification for the use of Compulsory Purchase Powers

1.6.1 Existing Transport Issues

1.6.2 The existing road network in Lincoln consists of a number of regionally important routes through and around the city, as well as major routes into the city centre and local roads. The main orbital and strategic routes include the A46 Western and Northern Relief Roads, (which form part of the strategic road network); the A57 Saxilby Road/Carholme Road on the western side of Lincoln, which provides a key east-west route into the city; the A15 including the LEB, provides a major north-south route and which also provides a link to the nearest international gateways (the Humber Ports and Airport); and the A1434 which again provides a route into the city from the south west and passes through several residential areas including North Hykeham. There are also a number of other major routes which provide links to the city centre and the surrounding towns and villages.

1.6.3 However, Lincoln currently suffers from high levels of congestion from local and strategic traffic movements, which impacts on the quality of life for local residents, acts as a constraint on the economy and reduces the attractiveness of the city for visitors and investors. This is caused by a number of key issues, which are summarised below.

Key Issue	Description	Impacts
Network Constraints	<p>Few major, strategic routes through and around Lincoln, with the majority of routes single carriageway.</p> <p>The network is further constrained by the River Witham and Fosdyke Navigation, which cut through the city in both north-south and east-west directions. In the south of the city, river crossings are limited to relatively minor routes unsuited to strategic traffic and HGVs. There are also limited opportunities to cross the rail lines that bisect the city, and the location and number of level crossings has a further constraining effect.</p>	<p>Traffic is forced to use either the A46 or A1434 and A15 to pass by or through the city, which operate at or close to capacity at peak times.</p> <p>East-west traffic in the south uses minor rural routes, causing issues for local residents in terms of accessibility, noise and air pollution and severance. Several routes in the Hykeham area carry circa 10,000 vehicles per day, including Moor Lane, Mill Lane and Station Road. In some parts, housing is immediately adjacent to the footway</p>
Network Resilience	<p>Events and closures on strategic routes such as the A46 result in long diversion routes through urban and residential areas, which are unsuited to large volumes of</p>	<p>Negative impacts on local communities located along diversion routes, including noise and air pollution, severance, and</p>

	traffic and large proportions of HGV movements.	longer journey times to access employment and services.
Network Capacity	The A46, A15 and A1434 currently operate at or close to capacity during the AM and PM peaks and, to some extent, the Inter Peak.	Congestion results in low average speeds, unreliable journey times and delays for all road users, including bus users.

1.6.4 Need for the Scheme

1.6.5 There are significant levels of planned growth in Lincoln, including the development of four Sustainable Urban Extensions (SUEs) which will contribute to a 50% increase in dwellings by 2036.

1.6.6 The recently completed LEB provided much needed mitigation for the traffic and transport problems affecting Lincoln but several issues remain. In particular the lack of east-west connectivity remains a significant problem which continues to exacerbate the existing congestion problems on radial routes into Lincoln.

1.6.7 Travel demand is also forecast to increase substantially over the next 20 years. Increases in vehicle trips of up to 20% by 2036 are forecast and will result in a deterioration in conditions on key areas of the network, particularly on the western side of Lincoln including the A46 Western and Northern Relief Roads, A1434 Newark Road and sections of the A15.

1.6.8 The forecast impact of the future level of travel demand on infrastructure illustrated by link capacity, junction capacity and average speed indicates issues of congestion and poor speeds on the key route network including the A46 Western & Northern Relief Roads and the A1434 Newark Road and on local routes in the south of Lincoln and North Hykeham area. This includes Meadow Lane and Brant Road – the current main east-west crossing of the River Witham in the south of Lincoln.

1.6.9 If a suitable transport intervention is not implemented, existing and future conditions will result in:

- A lack of strategic connectivity: the A46/A15 currently provide strategic connectivity to wider economic areas such as the Humber ports. Congestion which will be exacerbated in the future will inhibit efficient movement on this route and therefore constrain wider strategic connectivity;
- Constrained economic growth: the transport network is forecast to face increasing congestion which will impact on the area's ability to deliver sustainable economic growth;
- An impact on housing targets: the ability to deliver housing targets will be compromised; and
- An impact on the indicative MRN: existing and future congestion on the A15 and A46 may hinder the potential of these routes to operate as part of the Major Road Network (MRN).

1.6.10 Objectives

1.6.11 A robust set of objectives was developed as part of the OBC in response to the key issues and significant level of development is proposed for the Lincoln area up to 2036.

1.6.12 The scheme also supports the delivery of the LITS, its aims and objectives. This includes ensuring that the transport infrastructure meets the needs of existing and proposed developments and the continued investment and development in infrastructure that reduces congestion on key strategic and local routes within and around the Lincoln urban area.

1.6.13 The objectives are the NHRR are:

- To improve east-west connectivity in the south of Lincoln for strategic and local traffic;
- To reduce traffic levels on local urban and rural roads in the south of Lincoln through the transfer of strategic traffic to appropriate routes;
- To reduce NMU severance in south Lincoln caused by high levels of traffic on the local road network and lack of east-west connectivity;
- To support the delivery of the SUEs by improving access to the identified sites;
- To support the delivery of the SWQ through the provision of additional network capacity and NMU infrastructure necessary for the delivery of new housing;
- To reduce traffic levels and congestion around Lincoln and on key routes through the city to support:
 - Improved access to central Lincoln;
 - The improvement of access to the Humber Ports and Airport; and
 - The improvement of access to the Lincolnshire Coast.
- To improve the resilience of the orbital and key route network through and around Lincoln and reduce the impact of major incidents.

1.6.14 Land Assembly

1.6.15 An initial assessment of the freehold land and land over which rights are required to construct the NHRR is illustrated on the draft CPO map included in Appendix 2. The land predominantly comprises flat mixed agricultural land on two levels with a steep slope, known as the Lincoln Cliff/Lincoln Edge, in between. The River Witham runs through the site in a north-south direction. Eight residential properties on Station Road, Waddington, are affected with six requiring demolition. All but one property is owned by the Council and that one property is currently the subject of a valid Blight Notice pursuant to the Town and Country Planning Act 1990.

1.6.16 To date, reasonable steps to identify landowners through desktop referencing including HM Land Registry searches, enquiries with major land owners, and other desktop activities (e.g. online mapping) have been undertaken. Contact referencing has also been undertaken including initial land interest questionnaires, site visits and site meetings with landowners, lessees, and their respective agents. These records are continually being updated as new information becomes available and land interests change. However, when making a CPO it is necessary to identify 'qualifying persons' in relation to the order land. This includes those who could be served notice and might include tenants, mortgagees, persons and entities with land rights, and others who could claim compensation. As such it is necessary to undertake further land referencing work necessitating the service of notice under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of any land in connection with the NHRR.

1.6.17 Compulsory purchase is intended as a last resort to secure the assembly of all the land required to implement the scheme. It is therefore necessary to negotiate with landowners, occupiers, and other interested parties, to secure the land required to deliver the NHRR outside of the CPO process. The Council as the prospective Acquiring Authority will be

expected to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the CPO by agreement. Where the Council acquires land by agreement, they will pay compensation as if it had been compulsorily purchased, unless the land was already on offer on the open market. Nevertheless, it is necessary, given the amount of time required to complete the compulsory purchase process, to prepare a compulsory purchase order and initiate formal procedures. Doing so also helps to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.

1.7 Side Roads Order

- 1.7.1 It is necessary in order to deliver the NHRR to make preparations for a SRO required to stop up and improve existing highways and to create new highways, and to stop up and create new private means of access. An initial assessment of the requirements are illustrated on the draft SRO plan included in Appendix 3.

1.8 Section 6 Agreement

- 1.8.1 In order to work on the A46 Trunk Road, the Council will need to enter into an agreement under section 6 of the Highways Act 1980 with National Highways and/or potentially the Secretary of State for Transport. The agreement delegates to the Council all or part of National Highway's functions in respect of maintenance and improvement of, and other dealing with the trunk road. In doing so, the Council is able to:

- a) make a compulsory purchase order and side roads order affecting the trunk road; and
- b) undertake work on the trunk road.

- 1.8.2 A commuted sum will be payable to National Highways to maintain the new infrastructure provided by the Council on the trunk road network.

- 1.8.3 A section 6 agreement is a normal requirement of schemes affecting the Trunk Road Network and the Council has experience from previous major transport schemes of National Highway's requirements. Timely conclusion of the prospective Section 6 agreement is necessary to ensure the timetable set out in section 1.5 of this report is met. As such it is necessary to delegate to the Executive Director of Place in consultation with the Executive Councillor for Highways Transport and IT to agree the final form of the prospective section 6 agreement and to enter into the same.

1.9 Approvals Required

- 1.9.1 The purpose of this paper is to seek approval to make preparations for a CPO and SRO which are required to deliver the NHRR. In support of these preparations, approval is also sought to exercise certain powers under the Local Government (Miscellaneous Provisions) Act 1976 to establish ownership and other interests in land connected to the delivery of the NHRR. As a prior requirement before final approval of a CPO and SRO approval is sought to acquire land for the purpose of the NHRR by agreement. Finally, as the NHRR connects onto the Trunk Road Network, approval is sought to enter into an agreement with National Highways to facilitate works on the A46 Trunk Road and exercise statutory powers required to deliver the NHRR.

2 Legal Issues

Human Rights

This report considers the need to take necessary steps to enable the preparation of a CPO. A further report containing the final details of the proposed orders will be presented to the Executive in due course. It is at this stage that the potential effect on Human Rights of the Scheme, in accordance with the provisions of the Human Rights Act 1998, will be assessed and considered.

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 minimize 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 Equality Impact Assessment has not been undertaken. Although the work is considered generally to be neutral in its impact on protected characteristic groups there is potential for the design to impact differently on protected groups including the elderly and the disabled in relation to such matters as crossing junctions or accessing footpaths.

The Council will follow design guides and good practice in ensuring that such matters are dealt with appropriately.

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 can be seen from the scheme descriptions that they will have positive benefits for both the health and wellbeing of local residents.

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 works are considered to have a neutral impact on the Crime and Disorder Act 1998.

3 Conclusion

- 3.1 The purpose of this report is to seek approval from the Executive to carry out preliminary steps necessary for the preparation and pursuit of a CPO and SRO which are required to deliver the North Hykeham Relief Road Scheme. Approval is also sought to exercise certain powers under the Local Government (Miscellaneous Provisions) Act 1976 to establish ownership and other interests in land connected to the delivery of the NHRR. As the NHRR connects onto the Trunk Road Network, approval is sought to enter into an agreement with National Highways to facilitate works on the A46 Trunk Road and exercise statutory powers required to deliver the NHRR.

4. Legal Comments:

The North Hykeham Relief Road Scheme is within the Council's powers and this report and recommendations sought therein are for the Executive to consider and determine.

5. Resource Comments:

Accepting the recommendations within this report will incur costs relating to the delivery of this major highways scheme. These costs can be met from the scheme budget which forms part of the capital programme approved by council in February 2023. Not accepting the recommendations will impact on the timeline of the delivery of the scheme, which would be likely to impact on the overall forecast cost of completing the scheme.

6. Consultation

a) Has Local Member Been Consulted?

Yes – Local Member has been advised of the need for this key decision. This follows a key decision in October 2023 in relation to the scheme planning application where local member was consulted by way of briefing note and in-person briefing sessions in advance of the numerous public information exhibitions.

b) Has Executive Councillor Been Consulted?

Yes.

c) Scrutiny Comments

The decision will be considered by the Highways and Transport Scrutiny Committee at its meeting on 29 January 2024 and the comments of the Committee will be reported to the Executive.

d) Risks and Impact Analysis

Risk and Impact Analysis are being undertaken as part of the ongoing design process and where relevant are reflected in the main body of the Report.

7. Appendices

The following appendices are attached at the end of the report:	
Appendix 1	Scheme Overview
Appendix 2	Draft CPO Map
Appendix 3	Draft SRO Plan

8. Background Papers

The following background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

Background Paper	Where it can be viewed
Report to Executive dated 5 December 2006 "Preferred Route for Lincoln Southern Bypass"	Democratic Services https://lincolnshire.moderngov.co.uk/ieListMeetings.aspx?CommitteeId=121
Report to Executive dated 2 October 2018 "North Hykeham Relief Road"	Democratic Services https://lincolnshire.moderngov.co.uk/documents/s23624/NH%20RR%20-%20Cover%20Report.pdf
Report to Executive dated 5 April 2022 "North Hykeham Relief Road (NHRR)"	Democratic Services https://www.lincolnshire.gov.uk/downloads/file/6501/nhrr-executive-report
Report to Executive dated 3 October 2023 "North Hykeham Relief Road"	Democratic Services https://lincolnshire.moderngov.co.uk/documents/s59146/North%20Hykeham%20Relief%20Road.pdf

This report was written by Sam Edwards, who can be contacted on 07900136143 or at sam.edwards@lincolnshire.gov.uk

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P01.1 First Issue

Rev	Description	Drawn	Checked	Approved	Date
DB	DB	DB	---		

Suitability: **S0** Drawing Status: **Work in Progress**

Project Name: **North Hykeham Relief Road**

Project Client: **Lincolnshire County Council**

Project Contractor: **Balfour Beatty**

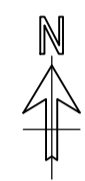
Project Designer: **RAMBOLL**

tel 01244 311855 chester@ramboll.co.uk www.ramboll.co.uk

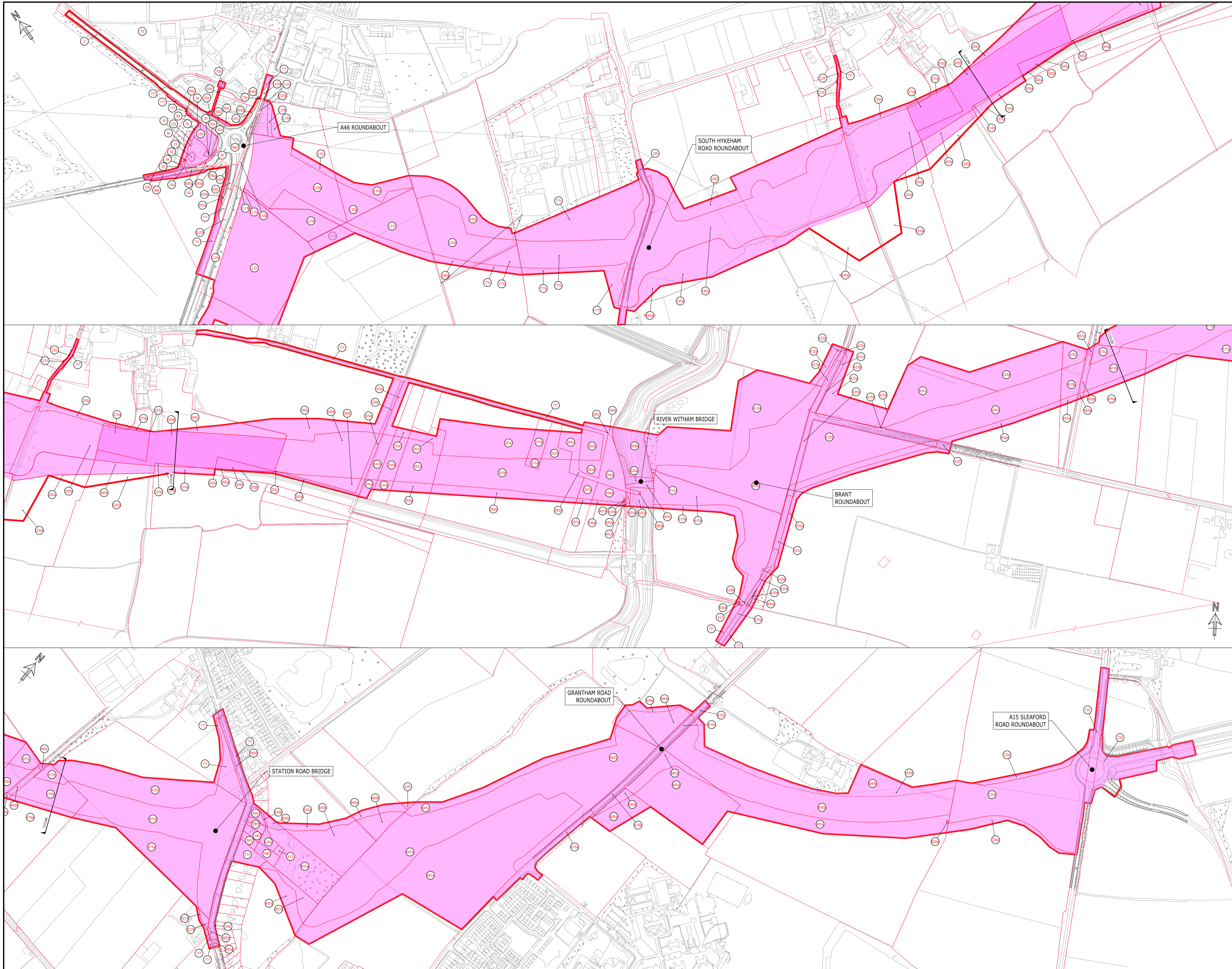
Drawing Title: **Scheme Overview**

Project No:	Scale (A1):	Drawn:	Date:
1620013942	1:12,500	DB	---

Drawing No:	Rev:
NHRR-RAM-HGN-HYKE-DR-CH-00009	P01.1



Scheme Overview
SCALE 1:12,500 @ A1



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KEY:

- PROPOSED RED LINE BOUNDARY
- CPO PERMANENT PLOTS

DRAFT

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P01.1 First Issue

Rev	Description	Drawn	Checked	Approved	Date
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Suitability: S0 Drawing Status: Work in Progress

Project Name: North Hykeham Relief Road

Project Client: Lincolnshire County Council
Working for a better future

Project Contractor: Balfour Beatty

Project Designer: RAMBOLL

tel 01244 311855 chester@ramboll.co.uk www.ramboll.co.uk

Drawing Title: CPO Boundary for Full Scheme Area

Project No: 1620013942 Scale (BA1): 1:5000 Drawn: --- Date: ---

Drawing No: NHRR-RAM-LDC-HYKE-DR-ZH-00001 Rev: P01.1



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KEY

- S* HIGHWAY TO BE STOPPED UP
- H* HIGHWAY TO BE IMPROVED
- N* ROUTE OF NEW HIGHWAY
- X* PRIVATE MEANS OF ACCESS STOPPED UP
- * NEW PRIVATE MEANS OF ACCESS
- EXISTING HIGHWAY BOUNDARY
- PROPOSED HIGHWAY BOUNDARY
- UCR DENOTES UNCLASSIFIED ROAD
- FP DENOTES PUBLIC FOOTPATH

DRAFT

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P01.1 First Issue

Rev	Description	Drawn	Checked	Approved	Date

Suitability: **S0** Drawing Status: **Work in Progress**

Project Name: **North Hykeham Relief Road**

Project Client:



Project Contractor:



Project Designer:



tel 01244 311855 chester@ramboll.co.uk
www.ramboll.co.uk

Drawing Title:

Side Road Orders For Full Scheme Area

Project No: **1620013942** Scale (BA1): **1:5000** Drawn: **---** Date: **---**

Drawing No: **NHRR-RAM-LSI-HYKE-MP-ZH-00001** Rev: **P01.1**