

# Department for **Transport**

## **Local Authority Orders**

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Your ref: CB/JR-P&T/20327

Our ref: DN5066/55/7/40 & DN5066/60/1/87

Date: October 2006

Sir

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

THE NORFOLK COUNTY COUNCIL (A140 LONG STRATTON BYPASS)

(CLASSIFIED ROAD) (SIDE ROADS) ORDER 2005 ("the SRO")

THE NORFOLK COUNTY COUNCIL (A140 LONG STRATTON BYPASS)

COMPULSORY PURCHASE ORDER 2005 ("the CPO")

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to refer to your Council's applications to him for confirmation of the above-named Orders.
2. The SRO and CPO if confirmed by the Secretary of State, would, respectively, authorise Norfolk County Council ("the Council") to:
  - (i) improve highways, stop up highways, construct new highways, stop up private means of access to premises and provide new means of access to premises in relation to the classified road being a highway which the Council propose to improve/construct between a point on the A140 Ipswich Road 1300 metres south of its junction with Parkers Lane northwards for a distance of 5080 metres to a point on the A140 Norwich Road 170 metres north of its junction with the B1527/C497; and
  - (ii) acquire compulsorily the land and the rights over the land described therein for the purposes of the classified road as described in (i) above; the construction of new footpaths and bridleways; the construction and improvement of highways and the provision of new means of access to premises in pursuance of the SRO mentioned at (i) above; the carrying out of drainage works in connection with the above mentioned works; use by the Council in connection with the above mentioned works; mitigating any adverse effects which the existence or use of the highways proposed

to be constructed or improved, as mentioned above, will have on the surroundings thereof; and rights of access for the Council in connection with the construction and maintenance of highways, and associated works, mentioned above.

3. No objections were received to the SRO and this Order is unopposed. At the time of the site inspection, there were six non-statutory objections to the CPO and who, under 'The Compulsory Purchase of Land (Written Representations Procedure) (Ministers) Regulations 2004', are defined as 'third party representations'. An Inspector, Mr R Owen-Smith BA, DipTP, MSc, MSocSc, MBA, MRTPI, MIHT, was appointed by the Secretary of State to consider the objections and representation made to the CPO, to carry out an accompanied site inspection, and to report in writing to the Secretary of State with a recommendation in respect of the CPO.

#### THE INSPECTOR'S REPORT

4. The Inspector held an accompanied site inspection on Tuesday 28 March 2006 and has submitted his report to the Secretary of State. Two copies of that report are enclosed with this letter. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in his report.

5. The Inspector outlines the case for the Council at IR 3.1 to IR 3.106. The case for objectors: D C Bickmore, Mr I & Mrs R Black, Mr G A & Mrs V A Bull, Ms R Evans & Mr R Moralee and Mr J E & Mrs P J Hubbard are at IR 4.1 to IR 4.6 and the Council's rebuttal is at IR 4.7 to IR 4.22. The case for Mr Merriott is at IR 4.23 to IR 4.24 with the Council's rebuttal at IR 4.25 to IR 4.30. The case for Mr and Mrs Chandler, who made written representations, is at IR 5.1 to IR 5.2 with the Council's response at IR 5.3 to IR 5.4. The Inspector's conclusions can be found at IR 6.1 to IR 6.57 with his recommendation at IR 7.

#### OBJECTIONS TO THE PROPOSALS

6. The gist of the objections relate to the view that insufficient regard has been paid to the health and safety implications of the proposed drainage lagoon; the capacity of the existing watercourse to take increased surface run-off from the scheme; construction traffic using an inappropriate residential highway; funding for the scheme is not yet approved; the extent of the land to be acquired; and the scheme is not required and should follow a different alignment on the west side of the settlement.

#### THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATION

7. A full copy of the Inspector's conclusions and recommendation can be found at Annex A to this letter.

8. In the light of his conclusions the Inspector has recommended at IR 7 that the CPO be confirmed as indicated at IR 6.51, namely with modification detailed at IR 6.44, and so modified the CPO would meet the statutory criteria – provided a satisfactory outcome of the funding decision on available financial resources to implement the published scheme is forthcoming within a reasonable period of time. The proposed CPO modification as set out at IR 6.44 is that Plot 7 should be modified to exclude

construction purposes and to read "...private access track/Footpath No. 15 known as Star Lane for purposes of maintenance of a drainage lagoon on adjacent land."

#### OTHER MODIFICATIONS

9. In the event that the Secretary of State were to come to a decision to confirm the Orders, further minor modifications, as agreed by the Council, are required and would be made. These are:

(1) In the schedule to the SRO, under 'Highways to be stopped up' - C355 Hall Road would be amended to Edge's Lane.

(2) In Article 1 (i) of the CPO:

Line 1 'and improvement' would be inserted between 'construction' and 'of';

Line 3 '1020' would be deleted and '1300' inserted;

Line 4 '4480' would be deleted and '5080' inserted; and

Line 5 '170' and 'south' would be deleted and, respectively, '150' and 'north' inserted

#### THE SECRETARY OF STATE'S CONSIDERATIONS

10. The Secretary of State is satisfied, as he needs to be, that with regard to the unopposed SRO that alternative routes to highways proposed to be stopped up are reasonably convenient and, where private means of access are to be stopped up, another reasonably convenient access is available or will be provided.

11. The Secretary of State has considered carefully all the objections to, and representation about the CPO, including alternative routes. He has considered the Inspector's report and accepts his conclusions and recommendation subject to the making of the additional modifications to the CPO as referred to in paragraph 9 (2) above and to the comments at paragraphs 13 to 15 below.

12. In coming to a decision on the CPO and the SRO the Secretary of State needs to be satisfied that there is a reasonable prospect of the scheme going ahead. The Council need to demonstrate that all necessary resources to carry out its Order plans are likely to be available within a reasonable timescale and that it would be able to complete the compulsory land acquisition within the statutory period following any confirmation by the Secretary of State of the CPO.

#### Funding

13. In his report, at IR 6.21, the Inspector refers to the decision by the Secretary of State for Transport on funding which was awaited following the receipt of regional advice. Subsequently, on the 6 July 2006, the Secretary of State for Transport replied to the Chair of East England Regional Assembly's submission "Regional Funding

Allocations Advice to Government from the East of England" dated January 2006, and which submission did not include the A140 Long Stratton Bypass in the recommended programme, that he accepted their advice 'that no funding provision should be made in the Regional Funding Allocations ten year period for two new schemes – A140 Long Stratton Bypass, Norfolk and Ely Southern Bypass, Cambridgeshire.'

14. In light of the above, the Secretary of State is unable to come to a view that there is a reasonable prospect of the scheme going ahead on the basis of it being resourced through central government funding and it is noted that, at IR 3.49, the Council's earlier submissions indicate that there is no potential for contributions to be made from developers towards the cost of the scheme. In those prevalent circumstances, unless the Council's case were that it had alternative means of funding the scheme, the Secretary of State might only be brought to a conclusion that the Orders should not be confirmed by him, as in his coming to a decision upon them he cannot be satisfied that the Orders' scheme has prospect of going ahead and that necessary resources will be available within a reasonable timescale.

15. Before making his decision on the Orders, the Secretary of State would first wish to know from the Council of any submission or case it has to make of any other alternative sources of funding for this scheme, and seeks that the Council provide its response to him on the matter within six weeks of the date of this letter, whereupon he will proceed to decide the Orders.

#### AVAILABILITY OF DOCUMENTS

16. A copy of this letter, together with a copy of the Inspector's report, has been sent to objectors. Copies will be made available on request to any other persons directly concerned. Please arrange for a copy of the Inspector's report and of this letter to be made available for inspection at the offices of the Council and at all other places used to deposit the Orders for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report. Those documents, photographs or plans, are retained at this office, and will be made available at a local place of inspection.

I am Sir  
Your obedient Servant



JULIE HUME  
Authorised by the Secretary of State  
to sign in that behalf