

**THE LANCASHIRE COUNTY COUNCIL (TORRISHOLME TO THE M6 LINK (A683 COMPLETION  
OF HEYSHAM TO M6 LINK ROAD)) COMPULSORY PURCHASE ORDER 2009**  
**Statement of Reasons for making the Compulsory Purchase Order**

**1 INTRODUCTION**

1.1 This is the Statement of Reasons of Lancashire County Council (the “**Acquiring Authority**”) for making the Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Compulsory Purchase Order 2009 (the “**Order**”).

1.2 In preparing this statement, the Acquiring Authority has endeavoured to provide sufficient information so that its reasons for making the Order can be properly understood.

1.3 This statement:

1.3.1 identifies the powers under which the Order is made (Section 2);

1.3.2 sets out the background to the Order (Section 3);

1.3.3 provides a general description of the Road Scheme (Section 4) and of the Park and Ride Scheme (Section 5);

1.3.4 sets out the Acquiring Authority’s reasons and justification for making the Order (Section 6);

1.3.5 describes current negotiations with landowners (Section 7);

1.3.6 describes the current planning position (Section 8);

1.3.7 deals with Human Rights issues (Section 9);

1.3.8 sets out the arrangements for the inspection of documents (Section 10);  
and

1.3.9 sets out contact details for further information (Section 11).

**2 POWERS UNDER WHICH THE ORDER IS MADE**

2.1 The Order is made under sections 239, 240, 246 250 and 260 of the Highways Act 1980 (the “**1980 Act**”), section 40 of the Road Traffic Regulation Act 1984 (the “**1984 Act**”) and section 28 of the Acquisition of Land Act 1981 (the “**1981 Act**”). The powers in the 1980 Act enable the Acquiring Authority to acquire land compulsorily and acquire rights compulsorily by creating new rights for the following purposes:

2.1.1 the construction of new highways which are to be highways maintainable at the public expense, the carrying out of drainage works, the improvement of existing highways and the improvement or development

of frontages to a highway or of the land adjoining or adjacent to that highway;

- 2.1.2 in connection with the carrying out of works relating to a classified road and special road authorised by a Side Roads Order made under section 14 and section 18 of the 1980 Act;
  - 2.1.3 the mitigation of any adverse effects which the existence or use of any highway proposed to be constructed by the Acquiring Authority will have on the surroundings of the highway.
- 2.2 Section 40 of the 1984 Act enables the Acquiring Authority to acquire land compulsorily to provide off-street parking places together with means of entrance to and egress from them where it appears to the Acquiring Authority to be necessary for the purpose of relieving or preventing congestion of traffic.

### 3 BACKGROUND TO THE ORDER

- 3.1 The Acquiring Authority is proposing to construct a new road which will provide a link between Heysham and the M6 motorway, bypassing Morecambe and Lancaster. The road will be a classified road and will connect to the M6 motorway via four new special roads at a new Junction 34 (the “**Road Scheme**”). Adjoining the new junction will be a new Park and Ride Site (the “**Park and Ride Scheme**”). The Road Scheme and the Park and Ride Scheme together constitute the “**the Scheme**”.
- 3.2 The Road Scheme is part of the Acquiring Authority’s undertaking to improve the inter-urban road network, provide for future development within the district of Lancaster, especially in Morecambe and Heysham and improve access to the Port of Heysham.
- 3.3 The Acquiring Authority’s long standing commitment to the Road Scheme resulted in the construction of phase 1 of the Heysham to M6 Link (Lancaster/Morecambe bypass), which was started in 1992 and opened to traffic in 1994. Since that date, work has continued on the development of suitable proposals for a classified road connecting phase 1 with the M6 Motorway and, after extensive consultation, planning permission for the Road Scheme was granted by the Secretary of State for Communities on 7 February 2008.
- 3.4 The Acquiring Authority have made an Order under sections 14 and 18 of the 1980 Act known as the Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road) Classified Road)(Side Roads) Order 2009 (the “**Side Roads Order**”) which, if confirmed by the Secretary of State for Transport, will give the Acquiring Authority the power, inter alia, to stop-up existing highways and private means of access affected by the Road Scheme and construct new highways and private means of access. In addition, an Order under section 106 of the

1980 Act has been made by the Acquiring Authority and will be submitted for confirmation to the Secretary of State for Transport for the construction of a new bridge over the Lancaster Canal. The terms of the draft Order have been agreed with British Waterways Board, which is the navigation authority.

- 3.5 Part of the Road Scheme will involve the construction of new motorway slip roads at the new Junction 34 of the M6. These new slip roads will be constructed by the Acquiring Authority under the powers given them by The Lancashire County Council (M6 Motorway, Junction 34 Improvements) (Connecting Roads) Scheme 2009 which has been made and will be submitted to the Secretary of State for Transport for confirmation. The slip roads will be transferred to the Secretary of State for Transport pursuant to the Lancashire County Council (M6 Motorway, Junction 34 Improvements) (Transfer of Highway) Order 2009 which has also been made by the Acquiring Authority and which will be submitted to the Secretary of State for Transport for confirmation.
- 3.6 In parallel with the Road Scheme, the Acquiring Authority is intending to provide a Park and Ride Site west of the M6 and south of the new Junction 34. This will serve motorists travelling from the M6 Motorway and other destinations into the City of Lancaster and thus reduce congestion in the City Centre. Planning permission has been granted for the Park and Ride Scheme.

#### **4 GENERAL DESCRIPTION OF THE ROAD SCHEME**

- 4.1 At present the partly completed Heysham to M6 Link (A683), extends for 5.7 kilometres and is part single and part dual carriageway.
- 4.2 The proposed new route will be a 4.8 kilometres long, two lane all purpose carriageway with a combined footway/cycleway alongside its westbound carriageway. It will be lit over its entire length. The route will have two intermediate junctions and footway/cycleway connections with the existing local road network.
- 4.3 From the junction of the existing A683 at Morecambe Road the road will run generally north-eastwards around the north edge of Lancaster, with a crossing of the River Lune, to connect with the M6 motorway. The current sub-standard M6 Junction 34 located to the northeast of the city will be closed and replaced with a new Junction 34. The existing urban standard dual carriageway of the A683 Lancaster/Morecambe Bypass between Northgate and Morecambe Road will also be improved. This improved section will include a signal controlled "T" junction connection to Hadrian Road and the McDonald's restaurant.
- 4.4 The existing roundabout junction with the A589 at Morecambe Road will be remodelled to form a signalised crossroads with a new signalised "T" junction connection to Hadrian Road. Morecambe Road either side of the new junction will be widened and improved.

- 4.5 From Morecambe Road the road will extend initially north-north-eastwards through Lancaster and Morecambe College campus. An underpass will be provided to maintain the connection between the college buildings which will be situated to the south of the new road and its north western playing fields which will lie to the north of the new road. The road will then cross over the B5321 Lancaster Road/Torrisholme Road before curving to run north-eastwards. A bridge will carry the route over a realigned Lancaster Road/Torrisholme Road. The B5321 Lancaster Road/Torrisholme Road changes its name at its junction with Barley Cop Lane. West of Barley Cop Lane it is Lancaster Road and east of Barley Cop Lane it is Torrisholme Road. Barley Cop Lane will be diverted and will join Torrisholme Road at a new junction south of the existing junction.
- 4.6 Continuing north-eastwards the road will cross over the West Coast main line railway. The bridge formed will also span diversions of Powder House Lane and Folly Lane. Continuing north-eastwards a new bridge will carry the road across the Lancaster Canal before connecting with an intermediate roundabout junction linking to the A6 Lancaster Road to the north of the Beaumont area of Lancaster. On the 12th of October 2009, the Acquiring Authority made a Scheme under section 106 of the 1980 Act to authorise the construction of the new bridge across the Lancaster Canal which is navigable at this point.
- 4.7 The link from the north side of this intermediate roundabout junction will connect to a signalised "T" junction on a re-alignment of A6 Lancaster Road.
- 4.8 The road will then continue north-eastwards crossing under a diversion of Green Lane and Kellet Lane before connecting with a further intermediate junction located west of the M6 motorway. This junction will connect the road with Halton Road and a new northbound entry slip road as part of the replacement of M6 Junction 34.
- 4.9 From this intermediate junction the road will run southwards under a bridge carrying Halton Road then over a new bridge crossing over the River Lune before connecting with Caton Road at a signalised crossroads west of the M6 motorway.
- 4.10 The new M6 Junction 34 will incorporate signalised junctions, west and east of the M6 motorway. The M6 northbound exit slip road will connect with the signalised crossroads at Caton Road west of the M6 via a short section of county road between Caton Road and the signalised exit from the Park and Ride site. The M6 southbound exit and entry slip roads will connect with Caton Road at a signalised "T" junction east of the M6.
- 4.11 The new entry and exit slip roads for the northbound and southbound lanes of the M6 motorway at the new Junction 34 will be special roads which will be transferred to the Department for Transport on their completion. On the 12th of October 2009 the Acquiring Authority made a Scheme under section 16 of the 1980 Act for the

construction of the special roads and a transfer order under section 18 of the 1980 Act.

- 4.12 In addition to the acquisition of land needed for the construction of the Scheme, the Order authorises the Acquiring Authority to acquire rights over additional land. The type of rights to be acquired are as follows:

**Plots 8 and 10**

- 4.12.1 The right for working space to maintain and strengthen an existing bridge on the adjoining A683 Lancaster Morecambe Bypass

**Plot 42**

- 4.12.2 The right for working space and a right of access to erect and maintain a boundary fence/ noise attenuation fence at Lancaster & Morecambe College;

**Plot 45**

- 4.12.3 The right for working space to erect and maintain boundary fences and embankments, to carry out and maintain landscaping works, to construct a new access track; to construct and maintain wingwalls, to construct and maintain a retaining wall and to install and maintain drainage over land and playing fields at Lancaster and Morecambe College;

**Plot 47**

- 4.12.4 The right for working space over land at Lancaster and Morecambe College to carry out the demolition of a building on adjoining land;

**Plot 48**

- 4.12.5 The right for working space over land and playing fields at Lancaster and Morecambe College to carry out works on adjoining land, namely, the erection and maintenance of a noise attenuation fence, the construction of a new access track and the construction and maintenance of wingwalls and foundations and to install and maintain drainage pipes;

**Plot 52**

- 4.12.6 The right for working space and a right of access over land at Meter House, Torrisholme Road, Lancaster to construct and maintain a retaining wall on adjoining land;

**Plots 66**

- 4.12.7 The right for working space over land southeast of 1 Russell Drive, Lancaster to construct and maintain a drainage headwall on adjoining land and to install and maintain drainage pipes;

**Plot 68**

- 4.12.8 The right for working space and a right of access over land at Belmont Farm to construct and maintain a headwall on adjoining land;

**Plots 87 - 90**

- 4.12.9 Rights over the West Coast Main Line to construct and maintain a bridge to carry the Road Scheme for working space to construct earthworks for diversions of Folly Lane and Powder House Lane and to swing the jib of a crane, loaded or unloaded, over adjoining land in connection with the construction of the Road Scheme;

**Plots 93 - 97**

- 4.12.10 Rights over the Lancaster Canal and towpath to construct and maintain a new bridge to carry the Road Scheme and to construct sheet pile canal protection, for working space to carry out such works and to swing the jib of a crane, loaded or unloaded, over adjoining land in connection with the construction of the Road Scheme;

**Plots 98 and 101**

- 4.12.11 The right to construct and maintain a temporary bridge to carry the Road Scheme including the right to swing the jib of a crane, loaded or unloaded, over the Lancaster Canal and towpath in connection with the construction of the Road Scheme on adjoining land;

**Plots 99 and 100**

- 4.12.12 The right to construct and maintain a highway drain under the Lancaster Canal and towpath;

**Plots 102-104**

- 4.12.13 Rights over land at Hammerton Hall Farm to construct and maintain a highway drain under the Lancaster Canal and towpath and to swing the jib of a crane, loaded or unloaded, in connection with the construction of the Road Scheme on adjoining land;

**Plots 113**

- 4.12.14 The right of access over land at Beaumont Gate Farm to construct and maintain a new bridge including the right to swing the jib of a crane, loaded or unloaded, in connection with the construction of the Road Scheme on adjoining land;

**Plot 114 - 119**

- 4.12.15 Rights of access over land at Beaumont Gate Farm to construct and maintain a new bridge over the Road Scheme, to construct and maintain new bridges, to inspect a habitat creation area and to maintain a culverted watercourse and headwall;

**Plot 146**

- 4.12.16 Rights over the River Lune, including the bed and banks, south of the Halton Training Camp for working space to construct and maintain a new bridge on adjoining land to carry the Road Scheme and to swing the jib of a crane, loaded or unloaded;

**Plot 151, 152,155 – 157, 163 and 169**

- 4.12.17 Rights over the Lancaster to Caton Cycle Track - River Lune Cycleway, River Lune Millenium Path, Lune Valley Ramble, the Caton Trail and Halton Circular Walk for working space to construct and maintain a new bridge to carry the Road Scheme, to modify the existing abutments and wingwalls and for the widening of the M6 Motorway and to construct a footpath/cycle track, to construct and maintain a culvert, to maintain an existing culvert and to swing the jib of a crane, loaded or unloaded, in connection with the construction of the Road Scheme on adjoining land;

**Plots 159 – 162 and 164**

- 4.12.18 Rights over land at the Lancaster Post House Hotel for working space to construct and maintain the improved A683 Caton Road, to construct and improve the existing access and to erect and maintain boundary fence and hedges and the right to maintain an existing culvert;

**Plot 170**

- 4.12.19 The right to resurface and/or reconstruct a private access road to Hudson's Farm, Hudson's Farm (dwelling) and Hudson's Farm Cottage;

**Plots 171 - 173**

- 4.12.20 The right over land southeast of Tarn View Lancaster for working space to construct and maintain a highway;

**Plots 203 and 204**

- 4.12.21 The right of access over Moor Lane to carry out the construction of and thereafter maintain the Road Scheme on adjoining land.

## **Exchange Land**

4.13 Plots 12 - 15, 17 - 19, 21 - 25, 39 - 41, 64, 65 and 66 (New Rights) are currently in use as open space. The Acquiring Authority intends to make an application to the Secretary of State for Communities for a certificate under section 19 and section 28 (paragraph 6 of Schedule 3) of the 1981 Act. Plots 12, 23 and 39 - 41 are required to widen an existing highway. Plot 66 (New Rights) is less than 209 square metres and therefore there is no requirement to provide land in exchange. Plots 13 - 15, 17 -, 19, 21, 22, 24, 25, 64 and 65 are required to construct the new road and it is proposed to acquire additional land (Plots 20, 27, 60, 62, 69, 71, 74, 75 and 77) for use as open space in exchange for the land to be taken together with plots 29 and 31 that are already in the ownership of the Acquiring Authority but which are included in the Order under section 260 of the 1980 Act. These Plots will be vested in the owners of the Plots currently used as open space as described in the Order Schedule. The vesting will take place on the latest of the following dates:

- 4.13.1 the date on which the Order becomes operative;
- 4.13.2 the date on which the Plot which is currently in use as open space is vested in the Acquiring Authority;
- 4.13.3 the date on which the corresponding Plot to be provided in exchange is vested in the Acquiring Authority.

## **5 GENERAL DESCRIPTION OF THE PARK AND RIDE SCHEME**

5.1 Linked to the new Road Scheme will be a Park and Ride Scheme at Croskells Farm, west of the M6 Motorway and south of existing Junction 34.

5.2 The Park and Ride site will be constructed in four parts:

- 5.2.1 the Park and Ride facility itself consisting of northern and southern car parks;
- 5.2.2 an at-grade signal controlled junction at the end of the proposed M6 Junction 34 northbound exit slip road
- 5.2.3 a one-way link road between the end of the M6 northbound exist slip road and the A589/A683 Caton Road;
- 5.2.4 an amended Croskells junction at the junction of the proposed Heysham to M6 Link and the A589/A683 Caton Road;
- 5.2.5 a highway, external to the Park and Ride site, running clockwise around the perimeter of the northern car park from the entrance to the exit and being two-way up to the entrance to the southern car park and thereafter one-way.

- 5.3 The site will provide 502 parking spaces and is located between the motorway and the proposed northbound exit slip road. Access to the Park and Ride site will be via the amended Croskells junction for vehicles approaching from the north, west and east. For southbound vehicles from the M6 motorway access will be via an auxiliary lane on the link road between the end of the M6 northbound exit slip road and the A589/A683 Caton Road and will connect to the amended Croskells junction access. There will be only one exit route from the Park and Ride site, through the signalised “T” junction at the end of the proposed M6 northbound exit slip road.
- 5.4 The Park and Ride Scheme will function as a complementary transport measure and part of a package of public transport measures that will be implemented as a result of the construction of the Road Scheme. The Scheme will reduce traffic flows along Caton Road towards Lancaster and enable the Acquiring Authority to provide an inbound bus lane along part of Caton Road.
- 5.5 The Park and Ride Scheme is designed to accommodate motorists travelling from the M6 Motorway and other major routes heading for the centre of Lancaster. The site will be open from 7:00 am to 7:00 pm, Monday to Saturday with a bus service frequency of 8 minutes during peak times. During the morning peak period approximately 40% of the daily total of private cars attracted to the site will use the site as part of the journey to work trip. The remaining 60% will be attracted to the site during the off-peak period for a variety of purposes including employment, retail and leisure. The Park and Ride proposals will, as a complementary measure to other transport proposals, encourage a positive image of public transport. They will serve to increase public confidence in good quality reliable public transport services and act as a catalyst in increasing the use of other mainstream public transport services.
- 5.6 As the site is approximately 3 km from the centre of Lancaster city and close to an attractive cycle route along the River Lune, cycling will be a realistic alternative to the private car. During peak periods, it may be quicker to cycle into Lancaster city centre rather than use other modes of transport. Some car drivers may therefore wish to use the site to park and then cycle to the city. Cycle storage will be provided to support cycling from the site.
- 5.7 Cycle crossing facilities will be included in the traffic signal controlled junction on Caton Road at the end of the link road from the M6 northbound exit slip road to provide access to the Lune Valley Ramble Cycleway/Footway “Millennium Cycleway”.

## **6 REASONS FOR MAKING THE ORDER**

- 6.1 The historic City of Lancaster lies on the east bank of the River Lune. To the west of the river are the towns of Morecambe and Heysham on a peninsula. The peninsula is enclosed anticlockwise from the north by Morecambe Bay, the River Lune and the

West Coast Main Railway Line. The peninsula is nearly 4,000 hectares in area with a population of over 50,000.

- 6.2 The M6 motorway is located immediately to the east of Lancaster. The motorway provides a strategic road link to the North West and the rest of England and Scotland.
- 6.3 Lancaster is served by two motorway junctions, Junction 33 to the south and Junction 34 to the north. Junction 34 is sub-standard and was introduced in 1960 as an interim measure to allow emergency vehicles access to the M6 motorway. Since that date there have been small improvements, but the northbound entry slip road which connects with the M6 motorway just before the M6 bridge over the River Lune currently has no hard shoulder and therefore has little scope for improvement.
- 6.4 The A6 runs north/south through Lancaster and connects to the M6 at Junction 33. It runs parallel to the motorway and forms part of three one-way linked gyratory systems in Lancaster. It crosses the River Lune on the only two road bridges crossing the River Lune to the west of the M6 motorway. The A6 therefore provides connections to the north and south of Lancaster and serves a local and regional function. It is predominantly of single carriageway standard, and although much of the route is rural in character, it passes through the centre of Lancaster where traffic experiences considerable congestion and consequential delay. It also passes through other towns in the region and the cumulative effect is to impact on the reliability and performance of the route.
- 6.5 The existing route from the Port of Heysham to the M6 motorway is also often congested and subject to traffic delays. The A589 from the Port of Heysham passes through Heysham itself and runs along the sea front at Morecambe. Towards the northern end of Morecambe seafront the A589 turns inland to join the A683 close to the boundary of Morecambe at the roundabout junction with the A683 Lancaster/Morecambe bypass.
- 6.6 The A683 links Heysham and Morecambe with Lancaster, the M6 motorway at Junction 34 and areas to the east of the motorway. The first section of the A683 is Phase 1 of the Heysham to M6 Link (Lancaster/Morecambe bypass). It is mainly a wide single carriageway all purpose road with a short length of urban dual carriageway where it passes through White Lund Trading Estate and Retail Park. The dual carriageway ends at Morecambe Road at its roundabout junction with the A589.
- 6.7 The A683 then continues predominantly in single carriageway and crosses the A6 in Lancaster. There is a break in its continuity where it joins the A6 north of the River Lune and then continues south of the river. It runs north out of Lancaster parallel to the River Lune to connect to the M6 motorway at Junction 34 and areas to the east of

the motorway. The majority of the route is urban in nature passing through residential, commercial and industrial areas.

- 6.8 A further connection from the coast to the A6 is provided by the A5105 coastal road which commences at the north end of the Morecambe promenade where the A589 turns inland. It then runs parallel to the coast passing over the West Coast Main Line at Hest Bank before heading inland to join the A6 near Bolton-le-Sands. It is predominantly single carriageway and has an urban character in Heysham and Morecambe and a rural character north of Morecambe.
- 6.9 Because of the unpredictability of journey times in the Lancaster area, traffic from the Lancaster area often travels north along the A5105 and the A6 to Junction 35 of the M6 motorway, some four miles north of Lancaster and in the opposite direction on its return, in order to avoid Lancaster and its associated traffic difficulties, thereby adding to journey time and distance.
- 6.10 Three other routes cross the West Coast Main Line railway between the A683 and A5105 and connect to the A6. These are all minor roads with height restrictions and poor alignments.
- 6.11 The poor quality of transport routes described above have an impact on economic development within the Region. As a result, the provision of a new route connecting the coastal areas to the M6 has long been a priority for the Acquiring Authority and its predecessor authorities. Indeed, as long ago as 1949, a link to the Morecambe-Heysham peninsula from what is now the M6 motorway was included in the "Road Plan for Lancashire" published by the then County Council. This identified a route extending westwards from a junction on a north-south bypass of Lancaster (the future Lancaster bypass which became the M6 motorway) to the north of the River Lune, northwest of Halton. The route extended around the north of Lancaster to a junction with Morecambe Road near Torrisholme.
- 6.12 The 1962 Lancashire Development Plan also identified a Morecambe Link Road in the Lancaster, Morecambe and Heysham Town Map. This Link Road was proposed to extend along a corridor north-eastwards from Morecambe Road to the west of the Lancaster and Morecambe College before turning eastwards to the northeast of Torrisholme to connect with the Lancaster bypass (the future M6) at a junction north of the River Lune. Subsequently Lancaster City Council protected a corridor of land between Morecambe Road and Torrisholme Road through what are now Lancaster and Morecambe College grounds and beyond. A plan of a "Corridor of Protection for Highway" was produced by the Acquiring Authority for blight purposes. As a consequence, the Acquiring Authority acquired areas of land south of Torrisholme Road in 1966 and 1974 as they lay within the protected corridor.

- 6.13 In 1985 a scheme identification study examined the possibility of a Western Route option. This was subsequently selected as the basis for a new route to be taken forward in the Lancashire Structure Plan 1986-1996 which identified the Lancaster/Morecambe Bypass (Phase 1 of Heysham to M6 link) as an improvement to the inter-urban road network to be carried out in the period beyond 1990.
- 6.14 In 1992 construction started on the 5.7km Lancaster/Morecambe Bypass between Trumacar Lane, Heysham and Morecambe Road near Torrisholme and the Bypass was opened to traffic in July 1994.
- 6.15 In January/February 1993 proposals for a route to the west of Lancaster were exhibited at a public consultation. As a result of comments received, the exhibited Western Route scheme was modified and then approved by the Acquiring Authority in 1994 and protected for planning purposes.
- 6.16 In May 1995 the Lancashire Structure Plan 1991-2006, which included the approved Lancaster Western Bypass, underwent an "Examination in Public". The report issued in September 1995 by the Panel undertaking the examination recommended that the Lancaster Western Bypass be deleted from the Structure Plan because of its potential visual and environmental impacts, and the possibility of a northern bypass and a new or improved junction with the M6 be investigated.
- 6.17 In October 1997 the Acquiring Authority undertook a public consultation into three proposed routes, two to the west of Lancaster (Green and Blue Routes) and one to the north of the City (Orange Route). The Orange Route is broadly the same route as that now proposed in the Road Scheme. The consultation and a subsequent survey in January 1998 indicated widespread support for a road link to the M6 but opinions were divided on the route choice. In March 1998, the Acquiring Authority selected the western (Green) Route.
- 6.18 During 1998 and 1999 the Western Bypass (Green Route) was considered at the Lancaster Local Plan Inquiry. The inspector concluded that the benefits of the Green Route were not clear and, as the route would cause significant damage to the environment, he recommended that the Western Bypass should be deleted from the Local Plan because the benefits that would accrue were not clear cut and they were outweighed by significant damage to the environment. Subsequently Lancaster City Council resolved not to accept the Inspector's recommendation for a number of reasons. Firstly, changes were put forward to the proposals by the Acquiring Authority subsequent to the Local Plan inquiry which reduced the road from a dual carriageway to a wide single lane carriageway and it also avoided an ethylene pipeline which lay in the path of the route. These changes had the effect of altering the balance of costs and benefits in favour of the Green Route. Secondly, there were changes in circumstances giving rise to a reasonable degree of certainty that the Green Route could be constructed within the plan period and finally there was a need

to ensure consistency between the Local Plan, Structure Plan and Regional Planning Guidance.

- 6.19 In 2001 the Lancashire Local Transport Plan 2001/2-2005/6 was submitted to the Government for approval with the Western Bypass (Green Route), including the changes outlined above, as the major scheme bid. The Government's response, whilst accepting that completing the Heysham to M6 Link could be a way forward in tackling Lancaster's various traffic problems, questioned the suitability of the route and restated the doubts raised by the Inspector during the earlier public inquiry process.
- 6.20 Between June and September 2001 the Acquiring Authority undertook a public consultation including commissioning a MORI report into two alternative routes: the Western (Green) Route and the Northern (Orange) Route. In December 2001, following the conclusion of that consultation, the Acquiring Authority's Cabinet resolved that the Heysham/M6 Link should remain the County's top priority scheme for road construction in Lancashire. It further resolved that detailed environmental impact studies on both the Western and Northern Routes be undertaken to determine the viability of the two route options and that, if it proved to be impossible to proceed with the Western Route, the Acquiring Authority should pursue the Northern Route.
- 6.21 Following the completion of these environmental impact studies, the Cabinet of the Acquiring Authority on 2 September 2004 selected the Northern (Orange) Route as the preferred route to complete the Heysham to M6 Link, but without the provision of the Luneside Link Bridge. The decision was based on a number of environmental and technical reasons and in particular a nature conservation and ecological assessment undertaken by ADAS Consulting Limited which advised that the availability of an alternative route, that is, the Northern Route, would make compliance with EU and UK nature conservation policies extremely difficult if a decision was taken to proceed with the Western Route. This decision was also supported by advice from leading counsel.
- 6.22 In May 2005 public exhibitions displaying the approved northern (Orange) Route were held at five different locations. Changes were made to the proposals as a result of the May exhibitions in order to reduce the level of the road and also to introduce measures to mitigate any noise or visual impacts east of Torrisholme Bridge. The revised proposals were exhibited in October 2005 at Torrisholme Methodist Church.
- 6.23 The decision to adopt the Orange Route was therefore reached by the Acquiring Authority following an extensive period of review and consultation to ensure that the Road Scheme followed the most appropriate route taking into account economic, environmental and operational considerations.

6.24 In July 2005 a Major Scheme Business Case was submitted to the Department for Transport as part of the Local Transport Plan bid for Central Government funding for the Road Scheme. The Major Scheme Business Case sought to demonstrate the case for the Road Scheme in five aspects:

6.24.1 **Strategic** - the Road Scheme is consistent with and will contribute to local, regional and national objectives in transport and other relevant areas;

6.24.2 **Appraisal and Value for Money** - the likely benefits when taking into account its disbenefits outweigh its likely costs;

6.24.3 **Delivery** - the Road Scheme will be delivered to time and budget in accordance with a clear project plan and in accordance with good governance and will involve consultation and engagement with stakeholders and incorporate a robust risk management plan;

6.24.4 **Financial** - the Road Scheme is based on sound costings and the Acquiring Authority is able to meet its own contribution;

6.24.5 **Commercial** - the Road Scheme incorporates a sound procurement strategy.

6.25 The Department for Transport operates a three stage approval process for local authority major schemes comprising Programme Entry, Conditional Approval and Full Approval. Programme Entry was granted for the Road Scheme on 28 January 2009. Conditional Approval will be granted once statutory powers are in place and Full Approval once tenders have been returned and a preferred bidder selected. The funding for the Road Scheme will be through the Regional Funding Allocation for the North West.

6.26 The Park and Ride Scheme will be included in the contract for the Road Scheme and will therefore be built as part of the Road Scheme. Funding for the Road Scheme from the Regional Funding Allocation does not include the Park and Ride Scheme which will be funded by the Acquiring Authority.

## 7 NEGOTIATIONS WITH LANDOWNERS

7.1 Subject to legal procedures, it is intended to start the construction of the Road Scheme in April 2011. The planning boundary encloses some 139 hectares of which 10 hectares is existing highway which will remain as highway. 8 hectares will be special road which will be constructed as part of an agreement with the Department for Transport and will ultimately be transferred to the Department for Transport by way of a Transfer Order. One hectare (excluding highway land) (Plots 53-56 and 58), being land south of Torrisholme Road was acquired by the Acquiring Authority in 1966 and 1974 when the northern route was first protected and a further 17.8

hectares has been purchased by agreement. The remaining 102 hectares remain the subject of negotiations for acquisition. The Acquiring Authority, as highway authority, is already the owner of the freehold interest in a number of plots or parts of plots and its interests in the various plots or parts thereof are included in the Order under the provisions of paragraph 260 of the 1980 Act.

- 7.2 All owners and occupiers with an interest in land have been approached to ask if they would be prepared to enter into negotiations with the Acquiring Authority for the purchase of their interest. Detailed negotiations are taking place with a number of landowners and occupiers and the Acquiring Authority has recently purchased a number of plots by agreement (Plot 128(6.2 hectares) and Plots 165, 180-184,186 and 190 (11.64 hectares)). However, the Acquiring Authority has concluded that acquisition by agreement is unlikely to occur in all cases or in any event within sufficient time to ensure that the programme for the construction of the Scheme is met. There are also a few interests, for example where the owner is unknown, where it will not be possible to acquire the interest except by way of the Order.

#### **Plot 1**

- 7.3 Plot 1 comprises land to the rear of several industrial units on the White Lund Industrial Estate. The owners have been contacted to open negotiations for the acquisition of their land. The Owners have appointed a surveyor to represent them and negotiations are continuing. The Acquiring Authority is also in touch with the lessees of the Plot.

#### **Plot 2**

- 7.4 The owner, ATS North Western Limited who trades as ATS Euromaster Limited has been contacted to open negotiations and the owner has appointed a surveyor.

#### **Plot 4**

- 7.5 This Plot forms part of the frontage to a car dealership. The owners and the car dealership which has a leasehold interest have been contacted to open negotiations for the acquisition of their interests. Initial discussions have been undertaken with the car dealership concerning possible accommodation works to be undertaken by the Acquiring Authority, in particular, regarding new signage.

#### **Plot 5**

- 7.6 The owner and occupier of this Plot have been contacted to negotiate the acquisition of the land required for the Road Scheme and initial discussions are being held with the owner.

### **Plot 6**

7.7 The owner and occupier of this Plot have been contacted to negotiate the acquisition of the land required for the Road Scheme and initial discussions have been held on access issues.

### **Plots 7, 8, 10, 11, 14, 15, 17-19, 39-41, 64 - 66, 151-157, 163 and 169**

7.8 These Plots are owned by Lancaster City Council and part is open space. Plots 14, 15, 17, 18, 39 – 41 and 64 – 66 are open space and Plots 27, 29, 31 and 69 are to be acquired as exchange land for Plots 14, 15, 17 - 19, 64 and 65. The City Council has been approached by the Acquiring Authority to negotiate the acquisition of its land interests required for the Road Scheme. In particular, an oversail agreement is being negotiated with the City Council to enable the Acquiring Authority to construct a new bridge over the River Lune. The new bridge will not interfere with use of the Lune Millennium Cycle Track but will pass over it.

### **Plot 13**

7.9 The owner, Viewton Properties Limited has been contacted to open negotiations for the acquisition of its land. The solicitor acting for the owner is seeking further instructions from the owner before he can respond to the Acquiring Authority.

### **Plot 16**

7.10 This Plot is divided from the remainder of 2 Hadrian Road by Hadrian Road. The owners having been approached to open negotiations to acquire their interest in the land have asked the Acquiring Authority to put forward an offer for the land.

### **Plots 20, 21 and 24-27**

7.11 These Plots are owned by Wilcon Homes Northern Limited and part of the land is open space. The owner has been approached to open negotiations for the acquisition of its interests. The land which is open space will be replaced with exchange land.

### **Plots 33-35**

7.12 These Plots are owned and occupied by McDonald's Restaurants Limited. The Acquiring Authority's proposals for the Road Scheme will alter the current access arrangements to the McDonald's restaurant site. Proposals for alternative circulation and car parking proposals have been prepared by the Acquiring Authority and are under consideration by the owner and its surveyor.

### **Plots 38**

7.13 This Plot is owned by the owner of 16 Hyndburn Close. The owner has been approached to open negotiations for the acquisition of his interest in the land required for the Road Scheme and has appointed a surveyor and solicitor.

#### **Plots 42-48**

7.14 These Plots are owned and occupied by Lancaster and Morecambe College. At the public inquiry into the planning application for the Road Scheme in 2007, the Acquiring Authority entered into a Unilateral Undertaking pursuant to section 106 of the Town and Country Planning Act 1990 to carry out works at Lancaster and Morecambe College with a view to mitigating the effects of the Road Scheme on the College. A licence has been negotiated with the College to enable some of the mitigation works identified in the Undertaking to be carried out in advance of the construction of the Road Scheme. Three of the College's playing fields which are located to the northwest of the campus will be affected by the Road Scheme. These playing fields will be separated from the main campus by the new road but an underpass beneath the Classified Road, will maintain access. The Road Scheme will also take part of the land currently used for playing fields but the pitches themselves can be retained by re-orientating them and improving their drainage. The Acquiring Authority will undertake works to relay the three playing fields on the new orientation in the summer of 2010 in order to minimise disturbance to the College during term times. The College has additional playing fields one of which lies to the southwest of the campus and which, whilst not directly affected by the Road Scheme, has already had its drainage and playing surface improved by the Acquiring Authority. The Acquiring Authority handed back the improved playing field to the College in September 2009 so that it will be able to be used to its maximum potential whilst works are been carried out to the three other playing fields in the summer of 2010. The Acquiring Authority is also in negotiation with the College and its agent concerning noise mitigation measures, and in relation to the acquisition of the College's land interests required for the Road Scheme.

#### **Plot 49**

7.15 The owner of this Plot has requested that the Acquiring Authority acquire the whole of her interest at 179 Torrisholme Road by agreement and the Acquiring Authority has indicated that it is willing to acquire her whole interest notwithstanding the fact that the remainder of the owner's land is not required for the Road Scheme.

#### **Plot 50**

7.16 The owner of this Plot has been contacted to negotiate the acquisition of the land required for the Road Scheme and has indicated that he would like the Acquiring Authority to purchase all his land interests in this area as the remaining land is not capable of beneficial use on its own.

#### **Plot 51 and 52**

7.17 These Plots are owned by United Utilities Water plc. The land required for the Road Scheme is part of the grounds on which stands a meter house. Discussions have

been taken place with United Utilities to seek to minimise disturbance to the use of the meter house.

**Plots 53-56 and 58**

7.18 The Acquiring Authority already owns the freehold of these Plots. Plots 53 and 58 are the subject of a short term lease outside the protection of the Landlord and Tenant Act 1954 granted to Broadoak Leisure Buildings which will determine on 2 January 2010. Discussions are continuing with the tenant as to the possibility of their being granted a new lease for a further year to enable the Acquiring Authority to take possession at an appropriate time to enable construction of the Road Scheme to go ahead.

**Plots 59, 60, 67-71, 75 and 76**

7.19 The owners of the Plots are trustees for the Clark Estate. The land is primarily grazing and pasture land. The Trust has appointed a surveyor to act on its behalf and negotiations have been entered into to acquire the Trust's interest in the Plots. The tenants of the Plots have also been contacted with an offer to acquire their interests in the Plots and the Trust has been asked by the Acquiring Authority to provide full details of those tenants' interests. One of the tenants also owns Plots 72-74, 77, 78 and 85.

**Plots 61- 63**

7.20 The owners of these Plots, which are pasture and grazing land have appointed a surveyor to negotiate the sale of their land. The reputed tenants have also been contacted by the Acquiring Authority and the owners' surveyor has been asked to provide full details of the reputed tenants' interests.

**Plots 72 – 74, 77, 78 and 85**

7.21 The owners of these Plots are also tenants of Plots 67 – 71, 75, 76 and 81-84 and they have appointed a surveyor to act on their behalf in relation to the acquisition of all their interests. The Acquiring Authority is in negotiation with the surveyor.

**Plot 79**

7.22 The owner of this Plot has appointed a surveyor to act on his behalf in relation to negotiations with the Acquiring Authority. In addition, there is a telecommunications mast access to which is over this Plot and separate negotiations are being undertaken with the owner of that mast.

**Plots 81, 83, 84, 108 and 109**

7.23 These Plots are owned by the executors of the Estate of Richard Sowerby (Deceased) and are grassland. There are two tenants who also own Plots 72 – 74, 77, 78 and 85 and Plots 91 and 100 - 104 respectively. The four executors have

appointed a surveyor. The tenants have also appointed a surveyor to negotiate the sale of their land interests. The surveyors have been asked by the Acquiring Authority to provide full details of the tenants' interests

#### **Plot 82**

7.24 This Plot is owned by the Trustees of J M Fish 1997 Settlement. The three trustees have appointed a surveyor to negotiate on behalf of the trustees and the beneficiaries. The tenants also own Plots 72 – 74, 77, 78 and 85. The Trustees' surveyor and the tenants' surveyor have been asked to provide full details of the tenants' interests.

#### **Plots 86 - 90**

7.25 These Plots comprise land adjoining and over the West Coast Main Line and are owned by Network Rail Infrastructure Limited. As well as seeking to acquire a small area of land the Acquiring Authority is seeking to enter into an oversail agreement with Network Rail in relation to Plots 87, 88 and 90. Network Rail has appointed a surveyor and negotiations have commenced.

#### **Plots 91, 100 - 104**

7.26 These Plots are farm land attached to Hammerton Hall Farm and the owner is also the tenant of Plots 108 and 109. He has appointed a surveyor to negotiate the sale of his land interests. Hammerton Hall Farm is divided by the Road Scheme but access is maintained to all land from existing public highways and a new farm underpass adjacent to the east bank of the Lancaster Canal.

#### **Plot 92 - 99**

7.27 These Plots are part of the Lancaster Canal and adjoining towpaths and are required to enable the Road Scheme to be constructed over the canal. Negotiations have been entered into with British Waterways Board for the acquisition of both its land interests and rights to enable the Acquiring Authority to construct a temporary bridge over the canal in addition to rights to construct the new bridge and to undertake future inspection and maintenance. The Acquiring Authority is also in negotiation with the occupiers of the land adjoining the canal. British Waterways has indicated that it has no objection to the Road Scheme and has appointed an external surveyor to negotiate transfer of the land interests required for the Road Scheme.

#### **Plots 106, 110 – 120**

7.28 The owner of these Plots is the son of and farms in partnership with the owners of Plot 107 and they have appointed the same surveyor to represent them. A large proportion of Plot 112, approximately 8 hectares, is required to enable the Acquiring Authority to provide mitigation measures to enhance the habitat and protect and promote suitable conditions for the expansion of the area colonised by the Pink Wax

Cap mushroom. The presence of this fungus is possibly due to the current farming system used by the owner who is an organic farmer. Accordingly, negotiations are in hand with the owners to seek to maintain the existing management regime of those Plots after acquisition. The location for an accommodation bridge over the Classified Road and access tracks to link land both north and south of the Classified Road to the accommodation bridge crossing have been agreed.

#### **Plot 121**

7.29 The owner has been in touch with the Acquiring Authority to open negotiations for the acquisition of her interest and is proposing to appoint a professional advisor. The tenants who also own Plots 124 and 127 and have appointed a surveyor to act on their behalf. The tenants are also currently managing Plot 128 which has already been purchased for the Road Scheme by the Acquiring Authority.

#### **Plots 122, 123 and 134**

7.30 The four trustees who manage these Plots have been contacted by the Acquiring Authority and have appointed a surveyor. The tenant who also owns Plots 136, 137, 140 and 141 has also been approached by the Acquiring Authority to open negotiations for the acquisition of his interest in these Plots and the Plots he owns. He has also appointed a surveyor. Preliminary discussions have been undertaken with regard to accommodation works including provision of gates and hedges. The trustees are particularly interested in the ecological mitigation works planned as part of the Scheme as the Trust together with a related Trust which owns Plot 135 were established to promote good environmental management.

#### **Plots 124 and 127**

7.31 The owners of these Plots are also the occupiers of Plot 128, the freehold of which has already been acquired by the Acquiring Authority. Initial discussions have already been undertaken with the owners concerning the acquisition of their land interest. These discussions are continuing with the owners' surveyor.

#### **Plot 125**

7.32 The owner of this Plot has appointed a surveyor and a solicitor to act on his behalf. In addition to the acquisition of the owner's land interests, the Acquiring Authority is discussing with him the possibility of entering into an ecological management agreement over approximately 0.5 hectares of Ancient Semi-Natural Woodland which is owned by him but the majority of which lies outside the boundary of the Road Scheme. This woodland adjoins the Road Scheme at the diversion of Howgill Brook and is currently unmanaged. The Acquiring Authority's ecological advisors have suggested that whilst the land is already a valuable habitat in isolation, it could be improved and expanded in parallel with habitat improvement and creation works proposed for this section of the Scheme.

**Plot 126**

7.33 Both the owner and occupier have appointed the same surveyor to negotiate the acquisition of their land interests. The surveyor has been asked by the Acquiring Authority to provide full details of the tenant's interests.

**Plot 129**

7.34 An offer has already been made by the Acquiring Authority to purchase the owner's land interests and the owner has appointed a surveyor to act on his behalf.

**Plot 130**

7.35 This Plot is in use for grazing purposes in association with the owners' use and occupation of the dwelling house known as Shefferlands which is located on the other side of the minor road, Foundry Lane. The owner has appointed a surveyor to act on his behalf and has expressed concern that the loss of this Plot will result in his losing approximately 50% of his available grazing land. Negotiations are taking place to ascertain whether the Acquiring Authority can arrange access to alternative compensatory grazing land already in the possession of the Acquiring Authority and not required for the Scheme. The Acquiring Authority has also confirmed it would consider purchase of all the owners' land interests affected by and adjoining the Road Scheme, including the dwelling known as Shefferlands. Negotiations with the owners' surveyor are continuing.

**Plot 133**

7.36 This Plot is approximately 75% of the owners' total land interest in this area which will leave less than 0.5 hectares of land available after the Road Scheme. The owners have been approached to open negotiations to acquire the land required for the Road Scheme. The owners have asked the Acquiring Authority to acquire the whole of their land interests.

**Plot 135**

7.37 This Plot is managed by four trustees who have appointed a surveyor to conduct negotiations on the Trust's behalf. This Trust together with a related Trust which owns Plots 122, 123 and 134 were established to promote good environmental management. In addition, this Trust has a special interest in good woodland management. The land is a mixture of woodland and pasture. The tenant of the pasture land has also appointed a surveyor. The woodland is managed by the trustees in accordance with the objectives of the trust to promote good woodland management. The trustees are particularly interested in the ecological mitigation works planned as part of the Scheme as they are keen to ensure that these will accord with the objectives of the Trust.

#### **Plots 136, 137, 140 and 141**

7.38 These Plots form part of Cote Farm which is occupied and farmed by the Cote Farm Partnership. Initial discussions have been undertaken with the Partnership concerning accommodation works including maintenance of the existing slurry and dirty water management scheme. The Partnership has appointed a surveyor. There is also a telecommunications mast on Plot 141. Separate negotiations are in hand with the owner of the mast.

#### **Plots 143, 144 and 150**

7.39 These Plots are owned by the Crown and are in use by the Secretary of State for Defence. The Secretary of State for Defence has agreed that his interest in the land may be included in the Order in accordance with Section 327 of the Highways Act 1980. The Secretary of State has indicated that part of Plot 150 may be required occasionally for bridge landing exercises. Provision for these exercises can be accommodated in the Road Scheme as the land identified by the Secretary of State is land which is required solely for access and maintenance purposes for the new bridge over the River Lune.

#### **Plots 145 - 147**

7.40 These Plots comprise the part of the bed and banks of the River Lune; Plot 146 is required to provide working airspace to construct and maintain a new bridge and piers over the River Lune and Plots 145 and 147 for the construction of the piers and for the provision of scour protection measures around the piers. The land is owned by Lansil Sports and Social Club. The Trustees of the Social Club have been contacted to open negotiations for the acquisition of the Club's interest. Since contact was made, one of the three trustees has died. The Club has appointed a new trustee and once his appointment is confirmed, negotiations can continue.

#### **Plots 158 – 162 and 164**

7.41 These Plots form part of the grounds to the Lancaster Post House Hotel. The owners have been contacted to open negotiations for the acquisition of their interests and are considering appointing an external surveyor.

#### **Plots 165, 180 – 184, 186 and 190**

7.42 The freehold interests in these Plots were purchased by the Acquiring Authority on 23 April 2009 but they remain within the Order to ensure that any remaining third party interests are also acquired. The Acquiring Authority has made an application to register the transfer of these Plots. The occupiers of the Plots have short term agreements granted by the Acquiring Authority. The occupiers of Woodend Bungalow and Croskells Farmhouse have licences to occupy and the occupier of Cottams Farm has a Farm Business Tenancy which terminates on 30 April 2010.

### **Plots 168 and 170**

7.43 Plots 168 and 170 form part of Hudson's Farm. There is an agricultural tenancy in favour of the owner's sister who trades as G R Bargh & Co. Both owner and tenant have appointed surveyors and the Acquiring Authority has asked both surveyors for details of the tenancy. Initial discussions have also been held with the tenant and her agent on the question of access both to Hudson's Farm and in connection with land at Grimeshaw Lane. The Road Scheme includes works to resurface and/or reconstruct the access to Hudson's Farm. Access to the farmyard will be maintained throughout the construction period to provide access for the tenant and for two residential tenants who occupy Hudson's Farm Cottage and Hudson's Farm House. Neither dwelling will be directly affected by the Scheme. There is a telecommunications mast on Plot 168 and separate negotiations are being undertaken with the owner

### **Plots 171 and 173**

7.44 This Plot is required for working space for construction works for the Road Scheme which will affect the access to Bank House and Tarn View. Initial discussions with the owners have taken place. Access to the properties will be maintained throughout the construction period.

### **Plot 174**

7.45 The owner of this Plot has appointed a surveyor and is in discussions with the Acquiring Authority concerning land acquisition and the replacement of the access track to his land. The access track currently leaves Caton Road adjacent to the existing M6 junction traffic lights and will be stopped up under the Side Roads Order. A new access track will be provided on land which is to be acquired by the Acquiring Authority from the owner to enable construction of the new Junction 34 to the M6. After construction of the new Junction 34 and the new access track the Acquiring Authority is willing to transfer the new access track to the original owner subject to terms yet to be agreed.

### **Plot 179**

7.46 The owner of this Plot has appointed a surveyor to negotiate the acquisition of his interests. There is also a telecommunications mast on the Plot and separate negotiations are being undertaken with the owner of the mast.

### **Plots 183 – 185 and 187 - 189**

7.47 An offer to open negotiations for the acquisition of the owner's interest in the Plots has been made, and the Acquiring Authority also proposes to rectify the boundary between the land already acquired by the Acquiring Authority and the remainder of the land. Plots 187 - 189 are included to achieve the rectification. Plot 183 comprises 9 square metres of land which has been registered at the Land Registry by

both Derwent Holdings Limited, the owner of Plots 184, 185, 187 and 188 and the previous owner of Woodend Bungalow.

#### **Plot 192**

7.48 Both the owner and tenant have appointed the same surveyor to negotiate the acquisition of their interests. Negotiations are also taking place concerning the replacement of an access track as accommodation works.

#### **Plots 193, 197 and 198**

7.49 Plot 193 forms part of Moorside Farm used for growing maize and as grazing land. As part of the construction of the Road Scheme the access to Moorside Farm which is currently over a bridge over the M6, will have to be diverted temporarily whilst a new access bridge over the M6 is built. The owners and tenants have appointed surveyors. Discussions are being held as part of the negotiations to acquire the land required for the Scheme to ensure that the alternative access is sufficient for both the owners' private domestic use and agricultural use by their tenant.

#### **Plot 196 and 199**

7.50 The Acquiring Authority has been unable to trace the owners of the freehold of this land which is known as Grimeshaw Lane. Grimeshaw Lane provides access for the properties at Moorside Farm, Davies Farm and other farmland and currently crosses the M6 motorway by a bridge which will be replaced as part of the Road Scheme. The Acquiring Authority will ensure that either Grimeshaw Lane or an alternative access will be available to the properties served by Grimeshaw Lane throughout the construction period.

#### **Plot 202**

7.51 This Plot is grazing land and is currently vacant. An offer has been made to purchase the freehold of the land and the owners have appointed a surveyor to negotiate the sale of their interest. The owners have stated that the land is vacant and not subject to any rights of occupation.

#### **Plots 203 and 204**

7.52 These plots comprise that part of Moor Lane over which rights are to be acquired to carry out construction work on adjoining land as part of the Road Scheme and thereafter to inspect and maintain the built structures. Both the owners and the reputed owners of these Plots have been contacted by the Acquiring Authority to negotiate the acquisition of a right of access over the Plots. The Secretary of State for Justice has confirmed that he has no objection to the Acquiring Authority acquiring a permanent right of access over Moor Lane and has agreed that his interest in the land may be included in the Order in accordance with Section 327 of the Highways Act 1980. It is possible that the Secretary of State for Health may have an interest in Plot

203 and the Acquiring Authority is seeking confirmation that the Secretary of State for Health will also agree that any interest he may have in Plot 203 may be included in the Order under section 327.

## 8 THE PLANNING POSITION

8.1 The purpose of the Lancaster Western Bypass (which was the forerunner of the Road Scheme), as outlined in The Lancashire Structure Plan 1986-1996 under Policy 46(6)(iii) was to improve the inter-urban road network, (paragraph 1.1.3 of the Structure Plan). Under Policy 47 of the Structure Plan such road schemes were expected to give the best results in term of:

- economic return;
- giving a major impetus to the development prospects of strategic industrial sites, seaports, airports and areas designated for development;
- replacing or improving sections of road with very bad accident records;
- removing serious environmental problems caused by an excessive volume of through traffic;
- maximising the benefits of road improvements.

8.2 The Lancashire Structure Plan 1991-2006, adopted in February 1997, stated in paragraph 8.34.26 of Policy 34 that the purposes of the Heysham to M6 Link were to:

- (i) *“Contribute, as one of a number of measures, to solving the traffic problems of Lancaster and improving safety and environmental conditions there. The removal of much through traffic from the bridges over the River Lune will enable existing road space to be used more effectively with priority being given to buses, cyclists and pedestrians.”*
- (ii) *“Provide a direct link for Morecambe/Heysham traffic (especially port and tourism traffic) to and from the M6 Motorway, thereby avoiding the existing conflict with local Lancaster-Morecambe traffic, facilitating the efficient transport of goods and assisting the regeneration and economic development of the Lancaster-Morecambe area and particularly Heysham.”*

8.3 In the Joint Lancashire Structure Plan 2001-2016, which was adopted in March 2005 (the “JLSP”), under Policy 8: Strategic Road Network and Proposed Improvements, paragraph 6.2.11, it was stated, with regard to the purpose of the Heysham to M6 Link, that:

*“The Scheme is seen as playing a key role in improving communications between Morecambe and Heysham and the M6 Motorway, including improved access to the Port of Heysham. Its construction will remove a significant volume of traffic from*

*the River Lune bridges in Lancaster and create opportunities to enhance provision for pedestrians, cyclists and public transport in the centre of this historic city”.*

- 8.4 In addition, paragraph 6.2.11 of Policy 8 of the JLSP acknowledged the importance of the route in the northwest of England:

*“The link between the M6 and the Port of Heysham is recognised in Regional Spatial Strategy as being of regional significance.” Regional Planning Guidance for the North West (RPG13), issued in March 2003, identifies in Policy T10, Table 10.2 Regionally Significant Transport Proposals that the purpose of the Scheme is to provide “an improved road link between Heysham and the M6”.*

- 8.5 The JLSP has now been substantially superseded by of the current Regional Spatial Strategy for the North West which now forms part of the statutory development plan and which contains reference to the Road Scheme being of regional significance. It will assist in the delivery of the economic objectives for Morecambe which is a Regional Priority Area and for the Port of Heysham, a Regional Gateway Port.
- 8.6 On 14 December 2005 a planning application (ref 1/05/1584) was submitted to the Acquiring Authority under the provisions of the Town and Country General Regulations 1992. Following objections from and negotiations with statutory and non-statutory parties and planning officers, a revised planning application was submitted on 12 September 2006 which included various amendments designed to address a number of the concerns raised. This revised planning application forms the basis for the Road Scheme.
- 8.7 The Acquiring Authority resolved to grant planning permission on 1 November 2006 but the Secretary of State for Communities and Local Government called in the planning application for her own determination.
- 8.8 A public local inquiry lasting five weeks was held in July and August 2007 and following consideration of the Inspector’s Report the Secretary of State for Communities and Local Government granted planning permission for the Road Scheme on 7 February 2008.
- 8.9 A legal challenge was lodged by an objector to the Scheme against the decision of the Secretary of State to grant planning permission. The challenge was heard in the High Court on 28 and 29 August 2008 and was dismissed.
- 8.10 A planning application (ref no. 01/08/0821) for the Park and Ride site at Cottams Farm south of Junction 34 of the M6 motorway was submitted on 26 June 2008. The planning application was for the construction of a park and ride facility with a total of 519 car parking spaces, including 52 designated disabled spaces, associated lighting and CCTV columns, landscaping, alterations to the Croskells junction and alterations to the M6 north bound exit slip road which had previously been approved as part of application ref.01/05/1584.

- 8.11 The proposed alterations to the M6 northbound exit slip road included an increase in the length of the slip road by some 80 metres and an increase in the width of certain sections of the slip road to facilitate direct access from the slip road into the proposed Park and Ride site. The application also provided for the creation of two new access points to the Park and Ride site off the A683 Caton Road and an access road from the Park and Ride site into Croskells Farm. The proposals also included provision for landscaping works in and around the Park and Ride site and associated access/slip road.
- 8.12 An area of land to the west of the Park and Ride site was proposed for ecological mitigation including various planting works, grassland management and wetland creation operations in order to provide compensation for the habitats that would be lost as part of the development.
- 8.13 On 10 December 2008 the Acquiring Authority resolved to grant planning permission subject to the completion of a planning obligation providing for landscaping and ecological works and management of land to the west of the Park and Ride site. The planning obligation was completed on 23 July 2009 and planning permission was granted on the same date.
- 8.14 On 25 March 2009 an application for planning permission reference no 01/09/0279 was submitted for works on 23 additional parcels of land to facilitate the development of the Road Scheme. The proposals for fifteen of the parcels involved minor changes to the sites subject to planning applications 01/05/1584 and 01/08/0821 and were designed to incorporate within the Road Scheme additional land for working space and provision of boundary hedges.
- 8.15 The proposals for the remaining parcels of land were as follows:
- 8.15.1 The erection of a ball stop fence at Lancaster and Morecambe College. The fence would measure 4m high and consist of galvanised powder coated heavy duty weld mesh panels coloured dark green.
- 8.15.2 The construction of a new farm access track at Beaumont Gate Farm, Slyne Road, Lancaster. The track would connect the farm buildings to the agricultural fields and the occupation bridge over the classified road.
- 8.15.3 The re-diversion of Howgill Brook to a route south of the original proposal under planning permission 01/05/1584.
- 8.15.4 A reduction in the height of Halton Road West Retaining Wall by the inclusion of a wider cutting slope. This would result in a reduction in height of the retaining wall from 15m on both sides to a wall sloping from north to south from a height of 5.25m to 2.76m on the eastern side of the road, and no retaining wall on the western side. The additional land

would be required for the land to slope at 1:2.5 from the retaining wall and road level up to existing ground levels.

- 8.15.5 The removal of the retaining wall at Hudson's Farm, Caton to provide an embankment which would be landscaped as part of the Scheme. A 2.5m timber close boarded noise attenuation fence at the boundary of Hudson's Farm would be constructed for noise attenuation and visual mitigation.
- 8.15.6 The diversion of the Grimeshaw Lane access track and the provision of a hard shoulder approximately 5m long and 3.3m wide with a 1.5m wide verge behind, and incorporating an embankment with a 1:2.5 slope.
- 8.15.7 The provision of an access track on the eastern side of M6 motorway.
- 8.16 On 20 May 2009 the Acquiring Authority resolved to grant planning permission for the additional works subject to the completion of a planning obligation for the management of all landscaping and mitigation works for a period of 20 years. The planning obligation was completed on 15 July 2009 and planning permission was granted on the same date.
- 8.17 On 19 June 2009 an application was submitted to vary condition 2 of planning permission 01/08/0821 to provide for an amended layout of the Park and Ride Scheme and allow for changes to the layout of the Park and Ride site. The changes were as follows:-
  - 8.17.1 A reduction from 519 to 502 car parking spaces;
  - 8.17.2 The reduction of the northbound slip road at the new junction 34 of the M6 to two lanes and the Park and Ride junction to allow vehicles to exit only;
  - 8.17.3 Reduction in the length of Long Bank Culvert;
  - 8.17.4 Reduction in the length of Long Bank Wood retaining wall;
  - 8.17.5 Provision of a gated access into the off-site ecological management area for maintenance purposes;
  - 8.17.6 Simplification of bus operations within the Park and Ride site;
  - 8.17.7 Amendments to the landscaping proposals;
  - 8.17.8 Installation of cycle lockers to promote cycling.
- 8.18 On 12 August 2009 the Acquiring Authority resolved to grant planning permission to vary condition 2 subject to a planning obligation for off site ecological mitigation works. The planning obligation was completed on 28 September 2009 and the planning permission was issued on the same day.

## 9 HUMAN RIGHTS

- 9.1 The Road Scheme has been designed to minimise interference with the peaceful enjoyment of a person's possessions under article 1 of the First Protocol of the Human Rights Act under which no one is to be deprived of their possessions except in the public interest. Any interference with the right has to be provided for by law and strike a fair balance between the interests of the community and the protection of the rights of the individual. The Acquiring Authority believe that the greater good is in promoting the Road Scheme for the benefit of the people of the area and that this outweighs the harm caused by the use of compulsory purchase powers to acquire third party land for the Scheme.
- 9.2 In processing the Order and other related Orders, the Acquiring Authority has complied with all relevant legislation and regulations which provide an opportunity for those affected to object to the Orders and have their representations considered at a public inquiry. The land to be acquired for the Road Scheme which is the subject of the Order has been kept to a minimum. The public interest can only be safeguarded by the acquisition of this land and such acquisition would not place a disproportionate burden on the affected land owners. In addition, the Road Scheme already has the benefit of various planning permissions the grant of which involved the weighing all material planning considerations including the public benefit of pursuing the Road Scheme against any disruption and interference that would be caused to individual rights.

## 10 INSPECTION OF DOCUMENTS

- 10.1 The following documents are available for public inspection during normal office hours at:
- 10.1.1 Environment Directorate, Winckley House, Cross Street, Preston PR1 3LT;
  - 10.1.2 Lancaster City Council, Palatine Hall, Dalton Square, Lancaster LA1 1PW;
  - 10.1.3 Morecambe Branch Library, Central Drive, Morecambe LA4 5DL;
  - 10.1.4 Lancaster Central Library, Market Square, Lancaster, LA1 1HY.
- 10.2 The documents are:
- 10.2.1 the Order and accompanying plan;
  - 10.2.2 this Statement of Reasons;
  - 10.2.3 forms associated with the Classification of Highway A683 and plan dated 22 February 2008.

10.3 The documents have also been deposited with the following parish and town councils and can be viewed by appointment with the Parish or Town Clerk:

10.3.1 Halton-with-Aughton Parish Council;

10.3.2 Morecambe Town Council;

10.3.3 Quernmore Parish Council;

10.3.4 Slyne-with-Hest Parish Council.

## 11 CONTACT DETAILS FOR FURTHER INFORMATION

11.1 Interested parties affected by the Order who wish to discuss matters with the Council should contact Clive Loffler-Thompson by one of the following means:

11.1.1 by telephone on 01772 534689;

11.1.2 by e-mail to [clive.loffler-thompson@lancashire.gov.uk](mailto:clive.loffler-thompson@lancashire.gov.uk);

11.1.3 by post to Lancashire County Council, Environment Directorate, Highways and Environmental Management, Winckley House, Cross Street, Preston PR1 3LT marked for the attention of Clive Loffler-Thompson.