

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

6. CONCLUSIONS

6.1 Having regard to the submissions and representations I have reported, I have reached the following conclusions, reference being given in square brackets to earlier paragraphs of this Report, where appropriate.

Introduction

6.2 If I am to recommend that the Compulsory Purchase Order be confirmed, I need to be satisfied that:

- i. there is a compelling case for acquisition in the public interest
- ii. this justifies interfering with the human rights of those with an interest in the land affected, having regard, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, to Article 8 of the Convention
- iii. the acquiring authority has a clear idea of how it is intending to use the land it seeks to acquire
- iv. the acquiring authority can show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale; and
- v. the scheme is unlikely to be blocked by any impediment to implementation.

6.3 In addition, I need to be satisfied that there is a need for the Scheme and, as proposed, it would meet that need; that the Scheme would be compatible with Government policy and with the local Councils' policies and plans; that the impact of the published Scheme on the local environment would be acceptable; that the Scheme would represent the best of the available options, and that any alternative proposal has sufficient merit to warrant further investigation.

Need for the Scheme

6.4 Long Stratton experiences currently a number of problems associated with the high volumes of traffic that pass daily through the village (18,000 vehicles per day), and which have an adverse impact on the environment and quality of life for the residents. Such problems include the levels of noise and pollution, severance from community facilities, and road safety problems. The setting of a large number of Listed Buildings and the Conservation Area in the village are also affected adversely. The objectives of the published Scheme would address these problems. [3.8-3.12]

6.5 On opening (2007), the published Scheme would reduce traffic flows through Long Stratton by between 60-80% with some 12,700-13,700 vehicles per day forecast to use the Bypass, and which would increase to 14,500-15,600 at 2022. [3.40] Traffic speeds through the village may increase with the abstraction of vehicles onto the Bypass. Traffic calming measures to counter such a trend are proposed along the existing road through the village, to be implemented once the Bypass is opened. [3.42]

6.6 The Scheme has the benefit of planning permission. Notwithstanding the fact that the alignment of the Scheme is not identified within the extant Local Plan, the application was not "called-in" for determination by the Secretary of State. [3.25-3.27; 3.35]

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- 6.7 I note the assessment by the County Council regarding the extent to which traffic would be induced or generated by the published Scheme would be low and would be unlikely to affect the standard of the Bypass or the economic analysis, a view with which I agree. [3.43]
- 6.8 I conclude that there is a compelling need for the published Scheme to proceed in the public interest in order to address the current problems in Long Stratton and improve the environment and quality of life for residents, to support local businesses and the local economy, and pursue the land use/transportation strategy and policies of the Norwich Sub-Region. I further conclude that the Scheme as proposed would meet that need.

Policies and plans

- 6.9 The Sub-Regional transport strategy identifies the need for high quality radial routes in order to promote easy access to Norwich from the surrounding market towns. Improvements to the road infrastructure are to be focused on those locations where persistent congestion is apparent and where high traffic volumes impact adversely on the larger rural communities. The published Scheme is compatible with this strategy. Traffic congestion at Long Stratton is recognised as a particular location having adverse impacts on accessibility to/from Norwich. The A140 is identified in the draft East of England Regional Plan as part of the regional road network connecting the Regional Interchange Centres at Ipswich and Norwich. [3.28-3.31]
- 6.10 The current Structure Plan, adopted in 1999, at Policy T9, identifies the A140 through Long Stratton for urgent study and implementation of the findings within the Plan period. The A140 primary principal road is designated as a strategic route in the County Council's route hierarchy. [3.32-3.34]
- 6.11 The extant South Norfolk Local Plan, adopted in March 2003, at Policy TRA9, supports the need for a Long Stratton bypass, subject to minimising the impact upon the landscape and land of nature conservation value. Whilst no alignment for the route is indicated on the Proposals Map, the Secretary of State did not call-in the planning application for determination. [3.35; 3.27]
- 6.12 The Scheme is included in the Local Transport Plan (LTP) for 2006/07-2010/11, submitted to the Government Office-East in July 2005, together with a Major Scheme Business Case. [3.36-3.38]
- 6.13 The Scheme for Long Stratton seeks to address local problems caused by substantial movements of through traffic. Whilst construction and operation of the published Scheme would impact upon a number of policies, notably on the protection of the best and most versatile agricultural land, archaeological resources, and on ecology and landscape, on balance, I conclude these adverse impacts are more than compensated by the community benefits arising from reduction in noise and pollution levels, and improvements in road safety, accessibility, and quality of life for the residents of Long Stratton. I conclude that the proposal for the published Scheme is compatible with national, regional, and local government policies, and that there is a strong policy basis supporting this Scheme.

Funding

- 6.14 The Scheme was included in the LTP Annual Progress Reports submitted to the Government Office – East in 2003 and 2004. [3.38]
- 6.15 The Scheme is included in the LTP for 2006/07-2010/11, submitted in July 2005; the County Council has agreed the Major Scheme Business Case to accompany the LTP submission. [3.38]
- 6.16 The cost of the published Scheme is estimated to be £22.44 million (2005 prices). [3.44] I note the cost of the published Scheme has increased since the time of public consultation in November 2002 from £12.7m (November 2001 prices) to the current estimate. [3.17] The published Scheme does incorporate further modifications to meet public comments.
- 6.17 There is no potential for contributions to be made from developers towards the cost of the scheme. [3.49]
- 6.18 On the basis of the traffic model used and the assumptions therein, the published Scheme would have a Benefit/Cost ratio of 3.98, representing high value for money, a view with which I concur. [3.45; 3.47]
- 6.19 It is estimated that the Scheme would make a saving of 269 personal injury accidents, equating to a cost saving of £14.4 million. [3.46]
- 6.20 A decision on funding was expected earlier this year in respect of the LTP 2006/07-2010/11 submission; however, the outcome of that submission is not yet known, and a decision on the funding of the Scheme is awaited following the receipt of regional advice later this year. [3.48]
- 6.21 I conclude that the Scheme as proposed would represent good value for money. I note that the County Council has submitted to the Department for Transport a Local Transport Plan and a Major Scheme Business Case in respect of the published Scheme for funds, the outcome of which is awaited.

Environmental impacts

- 6.22 An Environmental Statement (ES) in accordance with EC Directive 85/337 as amended by Directive 97/11/EC as applied by Section 105A of the Highways Act 1980 has been prepared for the published Scheme. It covers a number of relevant environmental topics and provides an assessment of the impacts which would arise through construction and operation of the Scheme together with the proposed mitigation strategy. It also describes the alternative options that have been considered. [3.50]
- 6.23 I have considered the ES and all the opinions expressed in relation to that Statement, and consider that it meets the relevant requirements. I note that the ES was circulated to consultees and no significant comment from any statutory consultee remains unaddressed. [3.51] I note also that the Assessment Summary Table for the published Scheme was not challenged. [3.38]
- 6.24 Currently, there are particular environmental problems caused by traffic passing through Long Stratton. [3.8-3.11] These problems, to a great extent, would be off-set and/or reduced by the implementation of the Bypass proposal. However, the construction and operation of the published Scheme would be instrumental in causing some adverse impacts, the most significant of which would be on the archaeological remains at the site of the Romano-British settlement and the site of Medieval cropmarks, upon the habitat of small metapopulations of great crested newts, on the

- landscape character in the vicinity of Stratton St. Michael, and in terms of proximity and visual intrusion at The Thatched Cottage. [3.53-3.54; 3.79-3.80; 3.62-3.63; 3.59]
- 6.25 The design of the Scheme and the mitigation strategy I find, in the main, would off-set these adverse impacts and offer potential beneficial effects. [3.55; 3.59; 3.63-3.64; 3.78; 3.81; 3.97-3.98] There would be beneficial impacts on the Listed Buildings and the Conservation Area in Long Stratton [3.57-3.58]; moderate beneficial impacts in respect of noise with a greater number of properties and people experiencing reductions in the levels of noise and annoyance [3.91-3.95]; moderate beneficial impacts on the local air quality, townscape, and community severance [3.85-3.90; 3.8; 3.41]; and neutral impacts on the water environment. [3.99] There would be negative impacts on greenhouse gases (compared to the Do Minimum) but at much reduced levels than experienced currently [3.88-3.89] and in terms of the visual impact at Churchfields housing estate [3.66]; slight adverse impacts in respect of biodiversity [3.81-3.84]; and moderate adverse impacts on the landscape (but reducing with the maturation of the planting) [3.61] and in respect of archaeological resources. [3.56]
- 6.26 Whilst these negative impacts are to be regretted, particularly the impacts upon the hamlet of Stratton St. Michael, on the archaeological resources, and on biodiversity, they would be more than off-set, in my view, by benefits gained by the wider community by implementing the published Scheme, as well as bringing forward environmental gains.
- 6.27 I conclude, for these reasons, that the potential overall impact of the published Scheme on the local environment with the mitigation measures as outlined in the ES in place, would be acceptable.

Impacts on property and land use

- 6.28 The Scheme would require some 39 hectares of land to be lost permanently from agriculture, just over four fifths of which is classified as Grades 2 or 3, being the best and most versatile agricultural land. This loss is considered to be of a minor significance. [3.76] Four farms and a private developer would be affected, though able to continue to operate. With the construction of the over-bridges at Church Lane and Hall Lane, the impacts of land severance would be reduced. Overall, there would be minor to negligible adverse affects upon local agricultural practices. [3.77-3.78]
- 6.29 No land would be left unable to be farmed. [1.7] No objections have been sustained in respect of the loss of agricultural land. I take the view that this loss would be small comparatively in national terms and should be set against the other benefits of the Scheme which, to my mind, would outweigh its loss.
- 6.30 Land allocated for development in the Local Plan and land used by the community would not be affected by the Scheme. No Common Land, Town or Village Green, Fuel and Field Garden Allotments, or Public Open Space would be required by the Scheme. No Sites of Special Scientific Interest (SSSI) or Regionally Important Geological Sites (RIGS) would be affected by the Scheme. There would be no impacts on the Wood Green County Wildlife Site. The Scheme would not have any significant hydro-geological impacts on the regional aquifer water table or on the local ground water-

- table. There are no recorded areas of contaminated land affected by the Scheme, and no special category land is included in the CPO. [3.67-3.73; 3.83]
- 6.31 No private properties would require demolition for the Scheme, though part of a residential garden is included within the CPO. A number of properties currently have direct access onto the A140. Where appropriate, new access provision would be provided by the Scheme. [3.74-3.75]
- 6.32 Whilst the Scheme would sever a number of existing lanes and public footpaths, the provision of all-purpose over-bridges at Hall Lane and Church Lane and a pedestrian/cycle over-bridge at Edge's Lane would mitigate these impacts. At Parker's Lane, an at-grade crossing provision would be provided. Elsewhere the footpath network would be diverted and strengthened including the provision of a new bridleway link between Parker's Lane and Hall Lane. Overall, the effect on public rights of way is assessed as neutral, a view with which I agree. [3.97-3.98]
- 6.33 I note that the published Scheme would have little or no impact on land with planning designations and private properties for which access provision within the Scheme, where affected, would be made. I conclude that such impacts on land use and property would be satisfactory and acceptable.

Alternative options

- 6.34 Throughout the evolution and promotion of the published Scheme, it has been the subject of public consultation. All appropriate statutory bodies were consulted both at the route selection and the planning application stages.
- 6.35 Alternative options for managing travel demand on the A140 or achieving a shift to other modes of transport, in the context of a rural county, are limited, and the Do Nothing option is not supportable in the face of local and regional policies, and increasing volumes of traffic. [3.13; 3.39-3.40] At the Stage 2 Assessment in 2002, Option 1 (to the west of the village) and Option 5 (to the east) were assessed as able to offer the greatest relief to the A140 through the village. [3.16]
- 6.36 Whilst this assessment indicated that Option 1 would remove more traffic from the centre of the village, it would have a more pronounced impact on the landscape and environment, would be longer and more expensive, and would have a lower Benefit/Cost ratio than Option 5. [3.17-3.18]
- 6.37 Further refinements to Option 5 were undertaken, before the County Council approved a modified version of the original Option 5 as the preferred route. Whilst the assessment between a western and eastern route was finely balanced, the selection of Option 5 progressed through the proper democratic processes, and in these circumstances and with no fresh evidence produced, I see no good reason to consider further a western alignment for the A140 Long Stratton Bypass. [3.20-3.22] I conclude that, on the evidence before me, the published Scheme represents the best of the available options, and that there are no alternative proposals having sufficient merit to warrant further investigation.

Objections to the Compulsory Purchase Order

6.38 I turn now to consider the grounds of objection to the CPO by the Non-Statutory 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

- 6.39 The grounds of objection relate to the health and safety implications especially for children of the proposed drainage lagoon, the capacity of the existing watercourse alongside Star Lane/Footpath No. 15 to take increased surface water run-off from the Scheme and so worsen the current situation, and construction traffic using Star Lane which would be an inappropriate residential highway, causing inconvenience to the residents. [4.6]
- 6.40 The watercourse in its present state is silted up and, reputedly, prone to overflowing. The County Council has undertaken to clean it out prior to opening the Bypass and to monitor and maintain it thereafter. [4.3ii]
- 6.41 The County Council states the proposed lagoon would be dry for most of the time and would be similar to the existing lagoon constructed as part of the Churchfields housing estate. This is not currently fenced off, allowing pedestrian access with no reported safety problems. The County Council has undertaken to conduct a comprehensive post-construction safety audit review on the lagoon for the Bypass and would address any safety issues revealed. [4.7-4.10; 4.3i]
- 6.42 The Scheme, with the lagoon in place, would discharge into the watercourse surface water run-off at a rate no greater than that expected from the area of arable land lost to the proposed road. The control gate mechanism of the drainage lagoon is designed to hold back the run-off and release it at a controlled rate into the ditch during and after the storm. The peak discharge following construction of the Bypass would be no greater than the present situation and less in severe storm situations. The rate of discharge into the existing watercourse has been agreed with the Environment Agency, as has the Flood Risk Assessment. The lagoon is designed to contain a storm event likely to occur only once in a 100 year period. [4.13-4.19]
- 6.43 The County Council has undertaken also to prohibit heavy plant from accessing the construction site from Star Lane, but anticipate that occasional access for light vehicles would be required. [4.21-4.22; 4.3iii] The authority has included in the CPO the right to enter and use Star Lane for the purposes of grass cutting, other minor maintenance work and inspections in preference to using the Bypass. In addition, should there be a pollution event requiring clean up of the drainage lagoon, there would be the options of either access from Star Lane or from the Bypass.
- 6.44 I note that, whilst the objectors object to the CPO on three specific issues, they generally welcomed the proposals for the Bypass. The grounds of objection were set out initially by Mr T and Mrs V Chandler who, upon receiving specific Undertakings from the County Council, subsequently withdrew their objections. [4.1-4.2; 4.4] This, I find significant, in the context of the remaining identical objections, in that the authors of the original objection letter were content with the Undertakings made by the County Council, sufficiently so to withdraw their objections. On all three counts i.e. concerns regarding health and safety issues in respect of the

drainage lagoon, surface water run-off and access along Star Lane, I consider the Undertakings made by the County Council appropriate and reasonable, and which, to my mind, meet fully the concerns of the objectors, particularly as the riparian responsibilities are not clearly identified and the ditch is currently not the responsibility of the Local Highway Authority to maintain. [4.11] From observation at the site inspection, I come to the conclusion that it would be inappropriate for construction traffic to use Star Lane. Therefore, for the avoidance of doubt and clarity in implementing the terms of CPO in respect of prohibiting heavy construction plant from using Star Lane to access the construction site, I recommend that No. 7 on Schedule 1 to the CPO 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.*"

Mr C L Merriott

- 6.45 Mr Merriott objects to the CPO on a number of grounds including the fact that consideration of the Scheme is premature since funding has yet to be approved, the extent of the land to be acquired would allow housing development on a "greenfield" site causing environmental damage, the Scheme is not required on the basis that road construction cannot relieve traffic congestion and, should a bypass be required, it should be located to the west of Long Stratton. [4.24]
- 6.46 I note that the County Council considers the Scheme not to be premature, citing the various stages through which the Scheme has progressed, including public consultation, preferred route selection, environmental and technical assessment, planning application and currently, the Orders. [4.25] These stages have been undertaken over a number of years and demonstrate, to my mind, that the authority is committed to implementing the Bypass and pursuing regional and local planning policies. Furthermore, I consider the County Council has acted in an open and proper manner throughout the development and promotion of this Scheme, and has broadly based support for its proposals from the local community and stakeholders. [3.19; 4.27] However, I am aware that a decision on funding is awaited.
- 6.47 I have carefully considered the lands included in the CPO and support the County Council in its view that the CPO only includes those lands required for the construction, maintenance and mitigation of adverse effects of the proposed Bypass and for no other (housing) purposes. [4.26] In terms of meeting current problems experienced in Long Stratton, in my opinion, the Scheme is needed and required, and from the traffic assessment would be extensively used, diverting some 60-80% of traffic away from the village centre. [3.40]
- 6.48 I note the comment proffered by Mr and Mrs Chandler regarding the lands between the proposed Bypass and the eastern limit of Long Stratton together with the County Council's response. [5.2-5.4] I am aware, under the national Planning regime, the current Local Plan will, at some future point, be subject to review, however, it is not part of this Report to speculate on the outcome regarding these particular lands. The provisions of the extant Local Plan prevail, and so provide the relevant planning framework. I conclude, therefore, it is proper to consider the current

proposal to construct the Bypass, unrelated to matters germane to a future review of the Local Plan concerning housing land at the village.

- 6.49 I have reached conclusions previously regarding an alternative route to the west of Long Stratton. [6.34-6.36]

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- 6.50 I am satisfied that there is a compelling case for acquisition in the public interest for the reasons given in support of my earlier conclusion, notwithstanding the objections to the Order. [6.8] I find the strength of that case justifies interfering with the human rights of those with an interest in the land affected, having regard in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights. I am satisfied from my examination of the Order and the County Council's exposition of the Scheme that the acquiring authority has a clear idea of how it is intending to use the land it seeks to acquire. I am satisfied that the Scheme conforms to national and local planning policies. [6.13] I note the County Council has submitted a Local Transport Plan and a Major Scheme Business Case to the Department for Transport for funds.. [6.21] I recommend a modification to the Order at paragraph 6.44 which would improve the Order and would not constitute a substantial change.
- 6.51 Bearing all these factors in mind, I conclude the Order should be confirmed with the recommended modification (as indicated in paragraph 6.50 above) and so modified 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. I conclude, therefore, that in that modified form, the Order should be confirmed.

SUMMARY OF CONCLUSIONS

- 6.52 The residents of Long Stratton experience currently a variety of problems due to high volumes of traffic passing through the built-up area. The principal objective of the Scheme would be to remove/reduce through traffic from Long Stratton. The proposed Bypass would relieve the village of up to 80% of this traffic. This reduction in traffic would offer benefits to pedestrians, cyclists and the community at large. Traffic calming measures and improved facilities for pedestrians and cyclists in the village would further enhance the environment once the proposed Bypass would be opened to traffic. The Scheme would have benefits for the Listed Buildings and the Conservation Area in the centre of the village.
- 6.53 The cost of the scheme is estimated to be £22.44 million (2005 prices) and would represent high value for money.
- 6.54 Construction and operation of the Scheme, whilst bringing forward a variety of benefits, would be instrumental in causing adverse impacts principally upon archaeological remains, on the habitat of small metapopulations of great crested newts and, through its proximity and visibility, in the vicinity of Stratton St. Michael, particularly on The Thatched Cottage. Overall, these adverse impacts would be off-set by

benefits gained by the wider community as well as bringing forward environmental gains.

- 6.55 In coming to all my conclusions, including specific conclusions on the Order, I have taken into account the Environmental Statement and other environmental information before me. That information includes comments and representations made by statutory consultees and members of the public. I conclude overall that the impact of the Scheme with the proposed mitigation measures in place on the local environment would be acceptable. [6.27] and that the Scheme represents the best of available options. [6.37]
- 6.56 In my view, the overall net benefits which the proposed Bypass would provide and the absence of disproportionate adverse impacts amount to compelling reasons why its construction should proceed, and therefore the Order should be confirmed.
- 6.57 I have had regard to these and all other matters before me at the site inspection and in the written representation, but they do not alter, singly or together, the conclusions I have reached above. I therefore propose to recommend that the Order be confirmed as indicated in paragraph 6.51.

7. RECOMMENDATION

I recommend that:

**THE NORFOLK COUNTY COUNCIL (A140 LONG STRATTON BYPASS)
COMPULSORY PURCHASE ORDER 2005**

be confirmed as indicated in paragraph 6.51.

(Signed)



R. Owen-Smith

INSPECTOR