



CABINET – 15 SEPTEMBER 2023

**A511 GROWTH CORRIDOR - MAKING OF THE COMPULSORY
PURCHASE ORDER AND SIDE ROADS ORDER FOR LAND
REQUIRED**

**REPORT OF THE DIRECTOR OF ENVIRONMENT AND
TRANSPORT**

PART A

Purpose of the Report

1. The purpose of this report is to seek the Cabinet's approval to secure the compulsory acquisition of land and rights as identified on the order map at Appendix A ("CPO Maps") and the associated Side Roads Order at Appendix B ("SRO Maps") for the A511 Growth Corridor scheme. The report also provides an update on the costs and delivery timescales for the scheme.

Recommendations

2. It is recommended that:
 - (a) A Compulsory Purchase Order to be known as "The Leicestershire County Council (A511 Growth Corridor) Compulsory Purchase Order 2023" (CPO) be made under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 to secure the compulsory acquisition of the land shown coloured pink and the new rights over the land shown coloured blue on the CPO Maps at Appendix A to this report;
 - (b) A Side Roads Order to be known as "The Leicestershire County Council (A511 Growth Corridor) (Side Roads) Order 2023" (SRO) be made under Sections 14 and 125 of the Highways Act 1980 to construct new highways and public rights of ways, stop up, divert, improve or otherwise deal with a highway including public rights of ways and the closure and creation of private means of access as shown in the SRO Maps at Appendix B to this report;
 - (c) The Director of Environment and Transport and Director of Corporate Resources be authorised, in consultation with the Director of Law and Governance and following consultation with the relevant Cabinet Lead Members, to:

i. finalise and make, if necessary, any minor or technical amendments, modifications and deletions to the CPO Maps and SRO Maps should this be considered appropriate;

ii. finalise the CPO and the SRO (collectively referred to as “the Orders”), and the Statement of Reasons;

iii. in accordance with the Cabinet authority dated 29 March 2022, continue to take all necessary steps to make (including any associated or ancillary applications to the Secretary of State under the Acquisition of Land Act 1981 (including in respect of open space) if considered necessary), publish, and obtain confirmation of the Orders including (but not limited to) the publication and service of all statutory notices and presentation of the Council’s case at any Public Inquiry or through written representations, to secure the confirmation of the Orders (with or without modifications) by the Secretary of State for Transport and implement the Orders associated with the A511 Growth Corridor scheme;

iv. to continue, in accordance with the Cabinet authority dated 29 March 2022, discussions and negotiations with landowners and stakeholders with a view to reaching voluntary agreements with landowners and to purchase and/or reserve land and rights by agreement for the A511 Growth Corridor;

(d) That the latest position with regard to costs and timescales for the scheme, set out in Part B of this report, be noted.

Reasons for Recommendation

3. The Cabinet in March 2022 authorised the Director of Environment and Transport to, among other things, take the necessary steps to make, secure confirmation of and implement the Orders necessary for the A511 Growth Corridor scheme. At that point in the scheme’s development it was not known exactly which areas of land these Orders would pertain to, although a preferred route had been identified. The planning permission granted in January 2023 confirmed the route of the proposed Bardon Link Road element of the project. Improvements to be undertaken along the wider A511 corridor will be constructed under permitted development rights. An application was submitted pursuant to Section 73 of the Town and Country Planning Act 1990 on 20 June 2023 and is expected to be approved in September 2023. This application seeks to amend the drainage design associated with the new Bardon Link Road by reducing the size of the balancing pond south of the railway embankment and utilising the area to the north of the railway embankment for additional informal flood storage. The revised design requires less permanent land take, whilst also offering project benefits in terms of earthworks cost savings and a more varied habitat creation through an extension of the existing wet woodland and increased wetland/aquatic habitats north of the railway embankment. The proposals for land take for the A511 Growth Corridor

scheme have been finalised. In the interests of clarity for affected landowners, the Cabinet should formally note and approve the requirements subject to minor amendments.

4. Authorising the Director of Environment and Transport and the Director of Corporate Resources in consultation with the Director of Law and Governance to proceed with the making, securing confirmation and implementation of the Orders will help ensure this is done within the planned timescale. The land areas represented in both the CPO and SRO Maps, for example, may require minor modifications following responses received to the notices served under Section 5A Acquisition of Land Act 1981 seeking information as to ownership of land and rights.
5. To advise members of the latest position since progress with the scheme was last reported to the Cabinet in March 2022.

Timetable for Decisions (including Scrutiny)

6. The CPO Maps and SRO Maps will be reviewed following receipt of the necessary responses received from landowners to the Section 5A notices and it is expected that these will be finalised (subject to confirmation of the Orders) and the Orders will be made in Autumn 2023.
7. A further report will be submitted to the Cabinet in late 2024/early 2025 following the costing of detailed design and prior to submission of a Full Business Case (FBC) to the Department for Transport (DfT).
8. Mobilisation of the main contract works are expected to start in March 2025, with completion estimated in February 2027.

Policy Framework and Previous Decisions

9. In March 2011, the County Council approved the third Leicestershire Local Transport Plan (LTP3). This contains six strategic transport goals, of which one is to have a transport system that supports a prosperous economy and provides successfully for population growth. The LTP3 sets out the Council's approach to achieving this, namely, to improve the management of the road network and continuing to address congestion issues.
10. In March 2014, the Cabinet approved the principles set out in the Leicester and Leicestershire Enterprise Partnership's Strategic Economic Plan, which prioritises support for the economy of market towns and rural Leicestershire.
11. The County Council's Enabling Growth Action Plan (approved in March 2015) supports the development of market towns for employment land as a priority and includes a specific action to work with the North West Leicestershire District Council (NWLDC) to plan for the future growth in the area and in particular Coalville.
12. In November 2015, the Environment and Transport Overview and Scrutiny Committee was advised that, given the significant opposition to making any

changes to Hugglescote Crossroads, future highways improvement work in the area would be focused on the A511.

13. In March 2019, the Cabinet agreed to the development of the Strategic Outline Business Case (OBC) and the OBC for the Major Road Network (MRN) A511 Growth Corridor scheme. It authorised the Director of Environment and Transport to prepare and submit bids, as appropriate, to secure external funding for delivery of schemes identified in the Highways Capital Programme.
14. In November 2019, following public consultation, the Cabinet agreed to support the proposals comprising proposed improvements to eight junctions along the A511, including a Bardon Link Road extension to south-east Coalville, and dual carriageway between Thornborough Road and Whitwick Road. It authorised the Director of Environment and Transport to use the existing funding allocation of £4m capital funding to develop and submit a planning application for the Bardon Link Road and undertake all necessary preparations to progress the scheme to FBC and, subject to the DfT approval, deliver the scheme.
15. In March 2021, the Cabinet agreed to continue to progress the A511 Growth Corridor scheme including submission of the FBC to the DfT; and authorised the Director of Environment and Transport (following consultation with the Director of Corporate Resources and the Cabinet Lead Member) to undertake a pre-submission consultation exercise to support the submission of a planning application for the Bardon Link Road aligned to the programme for scheme delivery as required by the DfT. The Cabinet also agreed that all necessary work continued to progress the A511 Growth Corridor scheme including submission of the FBC to the DfT and authorised the Director of Environment and Transport to make minor changes to the A511 Growth Corridor scheme as it was developed.
16. In March 2022, the Cabinet noted the projected cost increases for the A511 MRN project following the recent independent audit of the Environment and Transport Capital Programme and noted the plans in place to secure the additional funding required. The Cabinet also noted the outcome of the pre-planning informal consultation that took place between 27 September 2021 and 31 October 2021 to support the development of a planning application and to enable the planning application with regard to the route of the Bardon Link Road to be submitted to the Council's Development Control and Regulatory Board. In order to complete the application process for DfT MRN funding, it is necessary for the Council to prepare and submit an FBC before DfT funding is awarded. Where possible, it is hoped that the acquisition of land and rights or interests in land will be achieved by negotiation and agreement with landowners. However, alongside and in conjunction with the negotiations with the landowners, it will be essential to commence the preparation for the use of the compulsory purchase powers to procure land and rights or interests in land along the route. The circumstances in which the previous Cabinet authority was given in March 2021 to progress the A511 Growth Corridor scheme to FBC have significantly changed; including market conditions, risks and the potential need to increase forward funding.

Resource Implications

17. There are no additional resource implications arising from the recommendations in this report.
18. The outturn cost for the A511 Growth Corridor scheme has been the subject of previous reports and is currently estimated to be £62.7m plus contingency. £41.8m will come from the DfT MRN Fund, subject to approval of the FBC, and the remaining £20.9m is from Section 106 contributions secured through the Coalville Contribution Strategy.
19. The Director of Corporate Resources and the Director of Law and Governance have been consulted on this report. Further detail on the CPO and SRO, along with the latest position regarding costs and timescales for the scheme, is given in Part B of this report.

Circulation under the Local Issues Alert Procedure

20. This report has been circulated to Members representing the electoral divisions that are affected by the proposals - Mr D. Harrison CC, Mrs D. Taylor CC, Mr C. Smith CC, Mr K. Merrie CC, Mr T. Gillard CC, Mr P. Bedford CC and Mr N. J. Rushton CC.

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PART B

Background

21. Congestion on the A511 Growth Corridor has been a long-standing issue recognised by both the North West Leicestershire District Council (NWLDC) and the Council. This dates back to 2008 when the Coalville Transport Strategy (CTS) was developed, and the Council investigated junctions on the corridor requiring improvement to facilitate housing growth in Coalville and Ashby.
22. An outcome of the CTS was the implementation of the Coalville Contribution Strategy to help facilitate the delivery of improvements along the Growth Corridor. However, insufficient funding has currently been received from the Contribution Strategy to deliver the range of improvements required and issues (such as congestion and pollution) have become increasingly pronounced. This is likely to be exacerbated further by increases in background traffic and the significant levels of growth planned for Coalville as part of the District Council's Local Plan.
23. The A511 Growth Corridor is recognised by Leicester and Leicestershire Enterprise Partnership in its Strategic Economic Plan as one of five Growth Areas. The Strategic Economic Plan states that through appropriate investment and improvements along the corridor, there is the potential to deliver at least 5,275 houses and 25 hectares of employment land. Importantly, a significant number of the committed dwellings (3,500) are on sites which are collectively referred to as south-east Coalville.
24. Taking into account the aims of the MRN funding opportunity and the evidence of priorities needed to support growth, a package was developed for submission to the DfT to seek MRN funding. The A511 Growth Corridor proposals consist of a range of measures, including improvements to eight junctions, a dual carriageway between Thornborough Road and Whitwick Road in Coalville and the Bardon Link Road. This main part of the Link Road is being provided as part of the south-east Coalville development. It is the extension of this link which required planning permission, approved in January 2023.
25. Implementation of the A511 MRN Growth Corridor scheme will provide the breathing space to enable a wider transport strategy for Coalville and the surrounding area to address localised traffic issues, public transport improvements and walking and cycling connectivity; building on the work done as part of the Local Sustainable Transport Fund in 2012 and 2013.

DfT Major Road Network Bid

26. The Council submitted the MRN bid to the DfT in July 2019, requesting funding to prepare an Outline Business Case (OBC) by December 2019 with a potential

scheme construction start date of 2022. This was the only bid submitted across the East Midlands to the MRN funding pot.

27. In October 2019, the DfT announced that the bid was successful, with £1.5m funding awarded to commence work on the OBC from July 2019. The OBC was submitted in January 2020, with a potential construction start date of Spring 2022.
28. As a result of the impact of the Covid-19 pandemic, the DfT requested a revised OBC in order to understand the impact of Covid-19 on all projects that were to be supported by MRN funding. The revised OBC was submitted in July 2020.
29. The revised OBC was approved by the DfT in the Summer of 2021.

Funding

30. The estimated cost of the A511 Growth Corridor scheme, as submitted in the OBC, was £47.5m of which £40.4m is expected to be met from DfT funding.
31. As reported to the Cabinet in March 2022, the Council completed an extensive independent audit to review how it develops and delivers the Highways and Transport Capital Programme. This was driven by unstable market conditions, increasing scheme costs, the current financial position of the Council and the acknowledgement that the Highways and Transport Capital Programme is the largest the Council has ever had.
32. As the A511 MRN project progressed through this new process, the project cost was re-examined to account for new risks (particularly inflation), but also to consider wider lessons learnt from other recently completed projects.
33. In summary, this resulted in the overall scheme cost increasing beyond that set out in the OBC.
34. The revised budget range showed the total outturn costs could vary between circa £50m and £70m (currently estimated to be £62.7m plus contingency), and the key changes included inflation, construction costs, professional fees and risk. In order to address the cost increases identified in the cost review, more of the developer contributions identified to support the ICTS will be allocated to the MRN scheme.
35. It is likely there will be a requirement for the Council to forward fund a proportion of the developer contributions needed to meet the full scheme costs. This involves a risk to the Council if the developer funding to be used to recoup the forward funding does not fully materialise via developer contributions – noting that decisions on developer contributions will be made by the District Council as the local planning authority. However, contributions of approximately £6.7m for physical infrastructure works have been received to date through the Contribution Strategy. Beyond this, growth allocated through the NWLDC's Local Plan or other schemes for which planning permission has been granted is

expected to secure agreement on further Section 106 (developer) funds in excess of £20m identified in the Contribution Strategy.

Consultation

36. Following the Cabinet's approval in March 2021, an informal public consultation exercise was undertaken in order to ascertain the level of support for the proposed link road.
37. The informal consultation commenced on 27 September 2021 and ran until 31 October 2021. The consultation exercise included a variety of communication methods, such as letters, social media platforms and posters. Attendance at both exhibitions totalled 46.
38. All consultation responses were included in a consultation analysis including feedback form responses, emails and phone calls and comments made on the online consultation platform. In summary, the majority of feedback was focussed on the entire A511 Growth Corridor rather than just the Bardon Link Road proposals. This has been reviewed in detail, and responses provided against each theme (such as speed limits, congestion, pollution, environmental impact, public transport and construction phase disturbance).
39. The Link Road proposals have received mixed views from those that chose to comment with an almost 50/50 split of for and against.
40. From June 2023, the Council commenced communication with the relevant parties in relation to land acquisition. This has included issuing Requests for Information to affected parties to raise awareness of the Council's need to acquire land. Negotiations are proceeding with a view to securing land/properties through voluntary agreements.

Planning application and CPO

41. The planning application for Bardon Link Road was submitted in May 2022. During the consultation period, a total of 29 consultee responses and 13 neighbour responses were received. However, it should be noted that some of these responses may have been from the same consultee as they commented more than once.
42. In summary, there were a number of consistent themes evident throughout the feedback, including: speed limits, environmental impact, congestion, public transport and active travel, and construction phase disturbance.
43. The application was considered at the Development Control and Regulatory Board on 12 January 2023. The themes detailed above and associated questions were discussed at the Board meeting in some detail. It was concluded that the planning application for the Bardon Link Road be agreed with acknowledgement that the concerns raised were already addressed in the

application and by response from the applicant or will be captured as a part of the detailed design and construction phase planning as the project progresses.

Compulsory Purchase Order (CPO)

44. The CPO is based on the scheme design that gained planning permission in January 2023. The purpose of the CPO is to ensure that the Council has all the land it requires and has acquired all the interests (rights) necessary to guarantee that the scheme can be constructed and maintained as a public highway. Descriptions of the rights, included in the CPO Schedule, will enable:
 - a) Short-term access, for the construction of any element of the highway scheme where the scheme footprint is insufficient;
 - b) Access to sites for landscaping purposes;
 - c) Access to site and working area for diverting a watercourse and filling in the existing stream bed;
 - d) Installation of tree protection and other temporary environmental measures such as the protection of ecologically important sites during construction;
 - e) Access for the construction of environmental mitigation measures such as flood compensation areas;
 - f) Access to areas necessary as part of the diversion of Rights of Way.
45. Throughout the scheme's development, the Council has been in contact with landowners likely to be affected by its need to acquire additional land. The details of parties with interests in land affected have been obtained from HM Land Registry where land is registered and where land is not registered, information has been sought and obtained through discussion with local landowners and/or by placing notices on site.
46. Wherever possible, it is intended that the acquisition of land and rights will be conducted by negotiation and agreement with landowners - negating the need for use of the CPO powers, if possible - and this dialogue will continue beyond the making of the Orders. However, it is likely that the making of the Orders will be vital to acquire land for the scheme delivery within the required timescales.
47. Following discussion with landowners and tenants and having assessed potential impacts, minor modifications have been made to the scheme's design, the extent of land acquisition plots, and areas where interests or rights are required. This has been particularly important in relation to providing private means of access to land.
48. The CPO plans at Appendix A show the extent of land and rights required for the scheme. The land acquisition areas are coloured pink, whilst land where interests are required is coloured blue. The total area where both land acquisition and interests are required is approximately 13.65 hectares.
49. A small proportion of the acquired land may be offered back to landowners on completion of the scheme. This land will be identified within the Statement of Reasons submitted with the CPO.

Side Roads Order (SRO)

50. The SRO will authorise the Council to construct new highways and public rights of ways, stop up, divert improve or otherwise deal with a highway and public rights of way and the closure and creation of private means of access. This will allow the Council to carry out works to existing highways, private means of access and rights of way which would otherwise affect the route of the A511 Growth Corridor project. The plans are attached at Appendix B.
51. The SRO will enable construction and operation of the scheme by dealing with all necessary access points, rights of way and highways that interact with the A511 Growth Corridor project, including consideration of all private means of access.

Legal Comments

52. The CPO and SRO are being finalised in consultation with the Council's Property Services, Legal Services, and the Legal Counsel who it is intended will represent the Council at any required public inquiry. While considerable effort has gone into the production of the plans to ensure the Council will have all the land it needs and does not acquire land and interests unnecessarily, agreement is sought for the Director of Environment and Transport to make minor amendments or modifications or deletions to the plans if need be.
53. The process for CPO and SRO comprises the drafting and making of the Orders setting out compulsory purchase requirements and impacts on Side Roads (existing highways and other rights of way), followed by an objection period and possible public inquiry if any objections to the Orders cannot be resolved. This will be followed by the report of the inspector presiding over the public inquiry together with the inspector's recommendations and the decision of the Secretary of State for Transport as to whether or not the Orders (with or without modifications) are confirmed. Time for this is included in the A511 Growth Corridor project programme.
54. The Council is seeking to mitigate the potential for a public inquiry through continued discussions with landowners around impact minimisation and potential compensation packages; if a public inquiry is not required, construction could begin earlier.
55. As indicated previously, the Cabinet in March 2022 authorised the Director of Environment and Transport to take the necessary steps to implement the confirmed CPO and SRO necessary for the scheme. At that time, in the early stages of the scheme's development, these areas of land and rights had not actually been identified. The Council has been taking external legal advice on a number of aspects of the A511 Growth Corridor scheme, arising from which it was recommended that the Cabinet should be advised of the location of the land and rights to be the subject of CPO and SRO and thus reduce the risk of any subsequent challenge to its decision to acquire the land and rights compulsorily.

56. If no objections are received, or any objections received have been withdrawn, then the Orders will be submitted to the Secretary of State for Transport for confirmation. In the event that there are unresolved objections, then the Secretary of State may arrange for a public inquiry to be held or alternatively, the objections may be considered through the written representation procedure, although this is subject to agreement from the objectors.
57. Following the public inquiry or the written representations procedure, the Secretary of State has the option to confirm the Orders, not confirm the Orders, or confirm them subject to modifications.
58. If the Orders are confirmed, with or without modification, then the Council would only seek to implement the Orders in accordance with the statutory process and acquire the land and rights, either compulsorily or by negotiation and agreement, when it has obtained approval of the Full Business Case (FBC) for the MRN Fund. Construction cannot commence until the Council has acquired all the land and rights required for the scheme.

Next Steps

59. It is expected that the Orders will be made by the Autumn 2023 following the determination of the Section 73 application referred to in paragraph 3 above. After the making of the Orders, there will be a statutory objection period, and a period for considering and negotiating with the relevant landowners any objections received followed by any required Public Inquiry being concluded and a decision by the Secretary of State for Transport being made by Winter 2024.
60. Alongside this, and subject to the above and other issues, the Council will be seeking to have the FBC agreed by the DfT in Autumn/Winter 2024 (meaning that the MRN funding will then be released). Land acquisition would follow, with construction beginning in March 2025 finishing in February 2027.

Equality Implications

61. The Equality Act 2010 requires the Council to consider the need to eliminate discrimination and to promote equality of opportunity between different protected groups.
62. The Equality and Human Rights Impact Assessment (EHRIA) screening and full report were re-examined in November 2022 after submission of the planning application in May 2022.
63. A further review of the Equality Impact Assessment (EIA) is currently underway. A monitoring plan will accompany this version for approval by the Departmental Equalities Group. By delivering the embedded mitigation and recommendations outlined, then the proposed scheme would meet its responsibility in relation to equality, diversity, and community cohesion.

Human Rights Implications

64. By delivering embedded mitigation and recommendations outlined, then the proposed scheme would meet its responsibility in relation to Human Rights.

Other Implications and Impact Assessments

65. Currently, a small section of the A511 around the Broom Leys junction is designated as an Air Quality Management Area. Without intervention to ease the current and future levels of congestion along the A511, there is a likelihood that air quality objectives will not be met at other locations, leading to the need to declare more such areas along the route. The scheme offers the opportunity to reduce exhaust emissions through reducing acceleration/deceleration, thus reducing particulates due to tyre and brake wear that such events cause. The proposed scheme also provides an opportunity to contribute to improving biodiversity through thoughtful landscaping. The table below sets out how the proposed scheme is aligned to the carbon reduction and biodiversity and habitat commitment set out in the Council's Environment Strategy:

Aim	Objective	Actions taken
A. Reduce Council's greenhouse gas emissions and those in the wider County where there is influence.	A2. Contribute to the reduction of greenhouse gas emissions across the County.	Reduce exhaust emissions through reducing acceleration/deceleration.
F. Reduce the environmental impacts of travel and transport.	F4. Work with partners to reduce greenhouse gas and other pollutant emissions from the local transport network.	
G. Have due regard for biodiversity throughout all Council activities and seek to improve the biodiversity value of Council land and influence improvements in the wider County.	G4. Work with partners to support wider biodiversity improvements across Leicestershire.	As part of the detailed design, opportunities to improve biodiversity within the green areas of highway land will be considered.

66. The potential to promote short journeys by promoting sustainable transport will also contribute to the Council's commitment to tackling climate change.

Background Papers

Report to the Cabinet 29 March 2022. 'A511 Growth Corridor Proposals – Bardon Link Road':

<https://politics.leics.gov.uk/documents/s167366/A511%20MRN%20Proposals%20Cabinet.pdf>

Report to the Cabinet 23 March 2021. 'A511 Growth Corridor Proposals - Bardon Link Road':

<http://politics.leics.gov.uk/documents/s160568/A511%20MRN%20Proposals>

Report to the Cabinet 29 March 2019. 'Environment and Transport 2019/20 Highways Capital Programme and Highways Transportation Work Programme':

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=5601&Ver=4>

Report to the Cabinet 16 March 2015. 'Enabling Growth Plan':

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=4360&Ver=4>

Report to the Cabinet 5 March 2014. 'Strategic Economic Plan and City Deal':

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=3988&Ver=4>

Report to the County Council 23 March 2011. 'Final Draft Local Transport Plan (LTP3) Proposals':

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=134&MId=3057&Ver=4>

Consultation Report:

<https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/a511-growth-corridor-scheme>

Appendices

Appendix A – Compulsory Purchase Order Maps

Appendix B – Side Roads Order Maps

Appendix C – A511 Growth Corridor General Arrangement Plans

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