



CUMBRIA COUNTY COUNCIL

STATEMENT OF CASE

made under

THE COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES 2007

and

THE HIGHWAYS (INQUIRIES PROCEDURE) RULES 1994

in support of

**THE CUMBRIA COUNTY COUNCIL (CARLISLE SOUTHERN LINK ROAD)
COMPULSORY PURCHASE ORDER 2020**

and

**THE CUMBRIA COUNTY COUNCIL (A689 (CARLISLE SOUTHERN LINK ROAD)
CLASSIFIED ROAD) (SIDE ROADS AND OTHER WORKS) ORDER 2020**

made under

THE HIGHWAYS ACT 1980

and

THE ACQUISITION OF LAND ACT 1981

January 2021

Contents

1	Introduction	3
2	The Need for and Purposes of the CSLR Scheme	6
3	Planning Policy Context	14
4	Planning Position	27
5	Funding Position	28
6	Delivery of the CSLR Scheme.....	31
7	Location and Description of the CSLR Scheme Land and Works	32
8	Alternatives	42
9	Consultation, Engagement and Support for the CSLR Scheme.....	48
10	Negotiations with Landowners.....	57
11	Mineral Interests.....	60
12	Special Considerations and Special Category Land	61
13	Compatibility with European Convention on Human Rights.....	65
14	Justification for the Compulsory Purchase Order.....	70
15	Need and Justification for the Side Roads Order (SRO).....	78
16	Related Orders.....	101
17	Council's Response to Objections to the Orders	102
18	Further Information.....	129
	Appendix 1 – Plan showing location of the CSLR Scheme and key landscape features..	135
	Appendix 2 - Details of individual plots included in the CPO and explanation of the purpose for which each plot is needed for the CSLR Scheme.....	137

1 Introduction

1.1 Purpose of Document

- 1.1.1 The Carlisle Southern Link Road (“**the CSLR Scheme**”) is a proposed new link road to the south of Carlisle, connecting the A595/A689 junction at Peter Lane to Junction 42 of the M6 Motorway. The link is a key part of Cumbria County Council's (“**the Council**”) intention to enable the successful delivery of the proposed St Cuthbert’s Garden Village development, to improve east-west connectivity and to improve the highway network around Carlisle.
- 1.1.2 This Statement sets out the case in support of and the justification for making:
- a compulsory purchase order entitled “The Cumbria County Council (Carlisle Southern Link Road) Compulsory Purchase Order 2020” (“**the CPO**”) and explains why the Council is seeking the powers to acquire land and new rights compulsorily should it be necessary to do so; and
 - a side roads order entitled “The Cumbria County Council (A689 (Carlisle Southern Link Road) Classified Road) (Side Roads and Other Works) Order 2020” (“**the SRO**”) and explains why the Council is seeking to stop up various existing highways and existing private means of access, provide new private means of access and highways, and improve existing highways.
- 1.1.3 In this Statement of Case the CPO and SRO are together referred to as “**the Orders**”.
- 1.1.4 This Statement of Case has been prepared in support of the making of the Orders in accordance with 'Guidance on Compulsory purchase process and The Crichel Down Rules' (Ministry for Housing Communities and Local Government (“**MHCLG**”), 2019) (“**the Guidance**”) and in compliance with the Compulsory Purchase (Inquiries Procedure) Rules 2007 and the Highways (Inquiries Procedure) Rules 1994.
- 1.1.5 This Statement of Case is based upon and now effectively supersedes the Council's Statement of Reasons which was published in September 2020 in support of the making of the Orders on 21 September 2020. Whilst this Statement of Case repeats the Council's position as it was expressed in the Statement of Reasons, there are two key differences between the Statement of Reasons and this Statement of Case. First, the Statement of Case reflects the Council's current position in relation to the Orders and its case in support of them; it includes updated or additional information about progress that has been made since September 2020. Secondly, the Statement of Case includes a new Chapter 17 which references the objections submitted in relation to the Orders, together with the Council's preliminary responses to those objections. As the Statement of Case supersedes the Statement of Reasons, it is not necessary to read both documents – the later Statement of Case takes priority.
- 1.1.6 The Council, in preparing and making the CPO, has had regard to the advice contained within the Department of Transport Circular 2/97 “Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State for Transport is the Confirming Authority”.

- 1.1.7 The Council, in preparing and making the SRO, has also had regard to the advice contained in the Department of Transport Circular 1/97 “Highways Act 1980: Orders Under Section 14 of the Highways Act 1980 and Opposed Orders Under Section 124 of that Act”.

1.2 The CSLR Scheme

- 1.2.1 The CSLR Scheme is a proposed new road which would lie to the south of Carlisle, running east-west and linking the junction of the A595 and the A689 at Peter Lane (at its western end) with Junction 42 of the M6 Motorway (at its eastern end). The existing A689, where it would meet the western end of the CSLR Scheme, runs in a generally northerly direction around the west side of Carlisle before linking with Junction 44 of the M6 to the north of Carlisle, and is known as the Carlisle Northern Development Route (“**CNDR**”). The CNDR provides a northern and western bypass of Carlisle and was opened to traffic in 2012. If delivered, the CSLR Scheme would link the CNDR west of Carlisle to the M6 east of Carlisle, whilst passing to the south of the city and the villages of Brisco, Durdar and Cummersdale as well as Carlisle Racecourse; in doing so it would provide the final section of a complete orbital route around Carlisle. The CSLR Scheme would also cross two railways (the West Coast Main Line and the Cumbrian Coast Line) and two rivers (the River Petteril and the River Caldew).
- 1.2.2 The length of the CSLR Scheme would be approximately 8.1km, predominantly comprising a two-lane highway with a single carriageway for each direction. Exceptions to this layout would be the provision of some climbing lanes (extending to approximately 2.2km) and some junction arrangements where two lanes would be provided for each direction of travel (i.e. at the proposed roundabouts). The proposed new road has been designed for speeds not exceeding 60mph. In the context of the SRO, it would be a ‘classified road’, as explained in Section 15 of this Statement.
- 1.2.3 The CSLR Scheme would deliver 9 new bridges crossing rivers, railway lines and existing roads.
- 1.2.4 The CSLR Scheme would also deliver 7 new or modified road junctions (including roundabouts); an underpass; related links and modifications to existing highways, cycleways, footpaths and agricultural access tracks; plus new drainage infrastructure (including 8 balancing ponds); landscaping and lighting; and associated engineering and ancillary operations. A number of cuttings and embankments would be required to accommodate the new route.
- 1.2.5 A segregated shared-use route for cyclists and pedestrians, running adjacent to the carriageway of, and within the highway boundary of, the new classified road (“**the Shared Path**”) will be provided for the entire length of the new classified road on the Carlisle side of the route, i.e. to the northern side of the classified road. The Shared Path will facilitate a number of links to adjoining roads and will improve connectivity with the Caldew valley.
- 1.2.6 The need case for the CSLR Scheme is focussed around three primary objectives, which are set out in detail in Section 2 below, but which may be summarised as follows:
- enabling the St Cuthbert’s Garden Village development;
 - improving the strategic highway network, particularly for access to West Cumbria and the North East; and

- addressing local transport issues.

1.2.7 A full and more detailed description of the CSLR Scheme can be found in Section 7 of this Statement.

2 The Need for and Purposes of the CSLR Scheme

2.1 Introduction

2.1.1 The need case for the CSLR Scheme is focussed around the three primary objectives which the Scheme is designed to address:

- **Enabling St Cuthbert's Garden Village** – the road would provide direct support towards the delivery of this major mixed-use development proposed to the south of Carlisle. When complete, St Cuthbert's Garden Village will deliver up to 10,000 new homes together with employment, community, retail, and education facilities. The CSLR Scheme would provide the increase in road capacity critical to unlocking and accelerating such large-scale housing and associated growth. In terms of direct benefits, the route would provide opportunities for walking, cycling, and public transport which are important aspects of St Cuthbert's Garden Village place-making 'vision'. The route would also relieve traffic flows on existing radial corridors to the north of St Cuthbert's Garden Village.
- **Improving the strategic highway network** - the CSLR Scheme would also improve access to West Cumbria and the North East by providing a high-quality east-west link between the A595, which serves the Port of Workington and Sellafield, Carlisle and the A69 through to Newcastle-upon-Tyne. The CSLR Scheme would therefore significantly improve access for businesses and employees and would help to maximise the economic benefit to the county.
- **Addressing local transport issues** - there are a number of issues with the existing road network on the southern approaches to Carlisle. In particular, the A6 London Road suffers congestion at busy times of the day. Any future growth of the city, including St Cuthbert's Garden Village development, will make congestion worse and increase journey times, without the CSLR Scheme. The city only has two existing crossings of the River Caldew, and so any disruption to either of these routes can create severe congestion problems. The CSLR Scheme would address both of these issues.

2.1.2 The remainder of this Section explains how the CSLR Scheme would achieve these three objectives. It is appropriate to address the local and then strategic highways issues first.

2.2 Need for the CSLR Scheme to Address Local Transport Issues

The Existing Road Network

2.2.1 Carlisle enjoys excellent transport connectivity; it is a key interchange for east-west and north-south connections. **Figure 1** below shows that all local, regional and national roads in the area lead to or through Carlisle:

- From the North and Scotland (M6/A7);

- The East and Newcastle (A69/A689);
- The West and Lakes (A595); or
- The South, Penrith, Preston and beyond (A6/M6).

Figure 1: Main vehicle corridors in and around Carlisle



2.2.2 Figure 1 also shows that there is no orbital route to the south of Carlisle between the two main routes into the city in the vicinity of the CSLR Scheme, the A595 Wigton Road and the A6 London Road.

2.2.3 These two main urban routes, the A595 Wigton Road and the A6 London Road (where it meets the M6, at M6 Junction 42), form the western and eastern extents respectively of the proposed CSLR Scheme. Both of these routes are 30 mph single carriageway for the majority of their length. They are suburban routes passing through the edge of the city, providing direct access to housing, and continuing in a generally northerly direction towards large residential areas, as well as forming key routes to the city centre. In the opposite direction, the A595 is the main route to West Cumbria from Carlisle and continues in a generally south-westerly direction towards Wigton. At the western end of the proposed route of the CSLR Scheme, there is an existing roundabout where the A595 Wigton Road meets the A689 CNDR. The A6, similarly, continues in a generally southerly direction towards Penrith from where it meets the M6 motorway at Junction 42. Both Wigton Road and London Road become congested on the approach to Carlisle city centre, with congestion worsening in the morning and evening peak periods.

- 2.2.4 There are three smaller radial routes that serve the area in which the St Cuthbert's Garden Village is proposed to be located: Durdar Road, Scalegate Road and Brisco Road. Durdar Road is a 40 mph single carriageway route, reducing to 30 mph to the north. It runs north-south, providing access to Carlisle Racecourse and to large residential areas to the south of Carlisle.
- 2.2.5 Scalegate Road and Brisco Road are minor derestricted rural lanes in the vicinity of the proposed CSLR Scheme. They are of variable width and alignment, with restricted forward visibility in places. At the urban boundary, Brisco Road changes to a 30 mph single carriageway, while Scalegate Road changes to a 20 mph single carriageway route. Both are typical urban residential roads, with on-street parking and direct access to housing.
- 2.2.6 The only east-west route in the area is Newbiggin Road/Buckabank Road. This route connects Junction 42 of the M6 Motorway to Dalston. It is typically a derestricted rural single carriageway route of variable alignment, with a 40 mph section in the vicinity of Durdar.
- 2.2.7 The three radial routes above meet Newbiggin Road at three priority junctions. These junctions are all characterised by poor visibility and are perceived locally to be substandard junctions because of this.

The existing problems

- 2.2.8 The lack of a southern orbital route drives traffic into the city centre. This is particularly problematic in Carlisle as the existing highway network in the area is shaped by the constraints of the rivers and railways: the Eden, the Caldew and Petteril (**Figure 2**), and the West Coast Main Line, the Cumbrian Coast Line, the Settle to Carlisle Line and the Tyne Valley Line (**Figure 3**).

Figure 2: Main Rivers in Carlisle

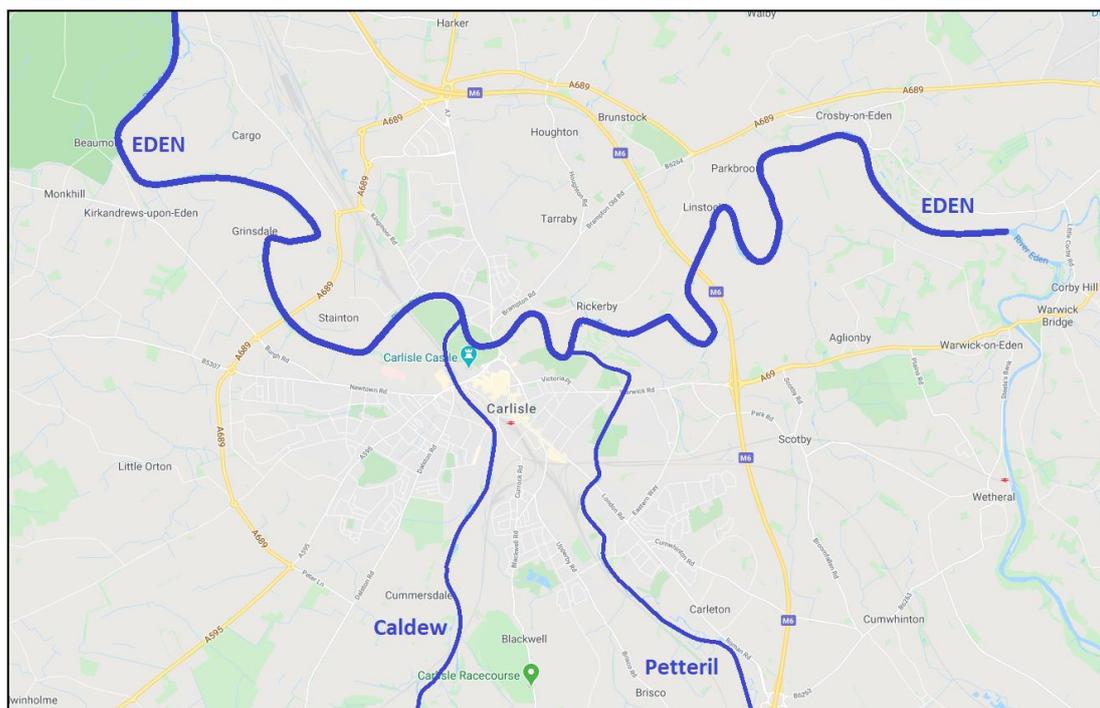
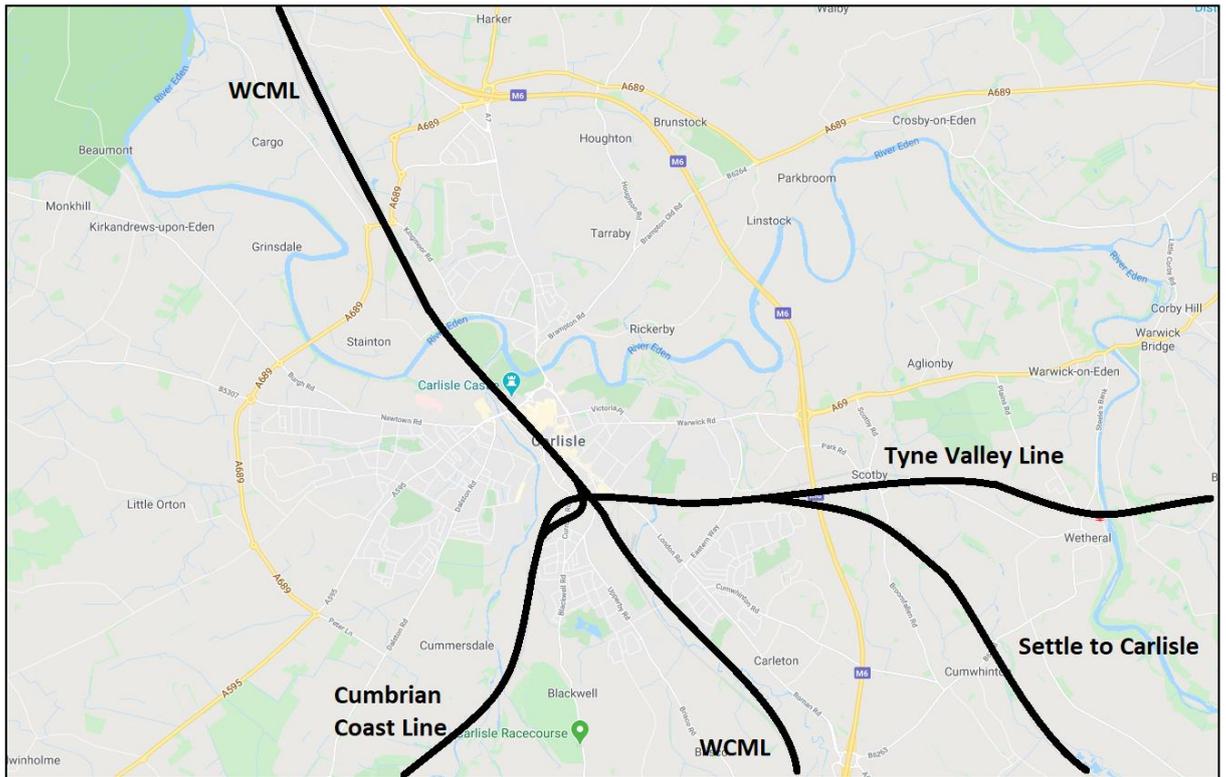


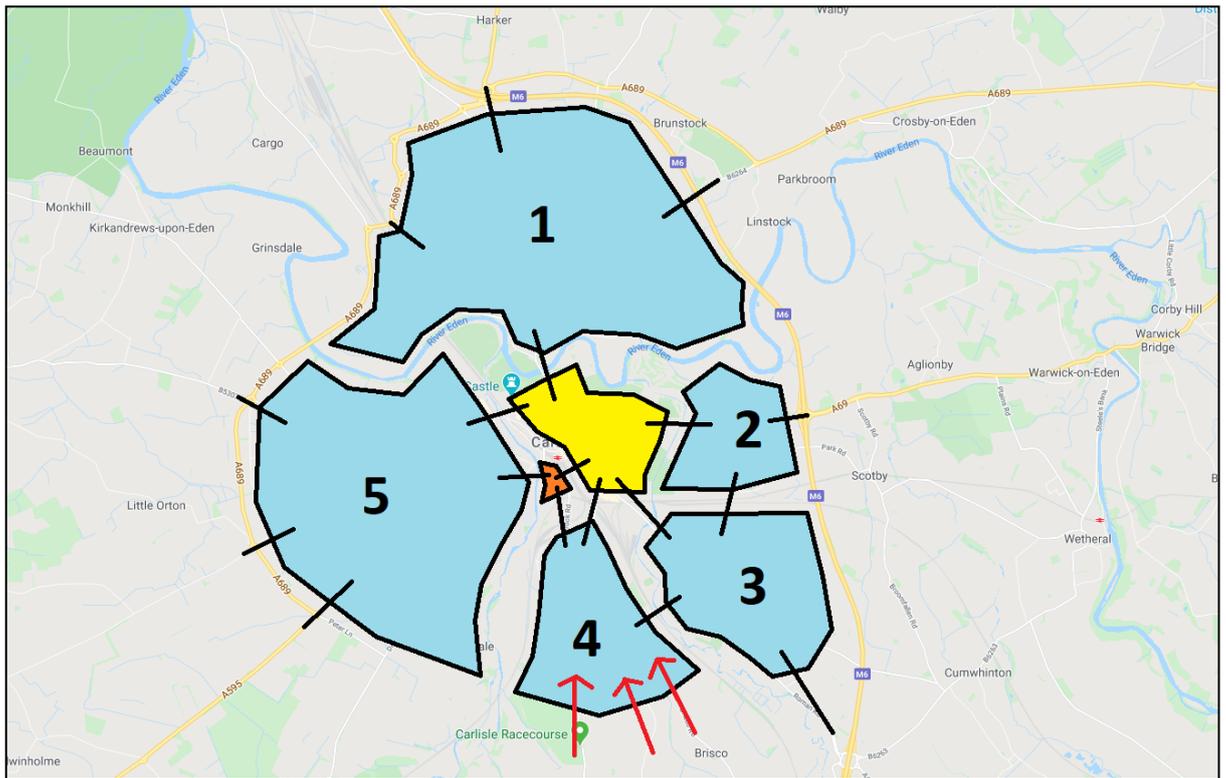
Figure 3: Main Rail Lines in Carlisle



2.2.9 The need to cross these rivers and railways constrains movements within the city and results in a lack of resilience given reliance on a limited number of crossing points. In particular, travel between the east and west sides of the city is constrained by the River Caldew as there are only two road crossings of this river; on Bridge Street and Nelson Bridge, both in Carlisle city centre. This means traffic has to travel through congested junctions in and around the city centre to reach the river crossings. It causes significant resilience issues as the closure of one of the bridges leads to severe impedances to travel. The impacts of such constraints, and Carlisle’s vulnerability to them, were evident following significant flooding in December 2015, when the closure of Eden Bridge for approximately 2 weeks due to safety concerns (relating to depth of flood waters) resulted in significant diversions and delays and cut off direct vehicular and pedestrian access between the north of the urban area and the city centre.

2.2.10 **Figure 4** below illustrates the effective division of the city by the rivers and railways. The blue blocks numbered 1 to 5 in Figure 4 represent areas of the city which are separated from each other by the rivers or railways passing between them, where connectivity is, in consequence, reduced. The area shaded yellow represents the city centre; the orange area shows the location of Carlisle Station. The black lines represent connectivity between the blue, yellow and orange areas.

Figure 4: Carlisle City Centre



The effect of the CSLR Scheme

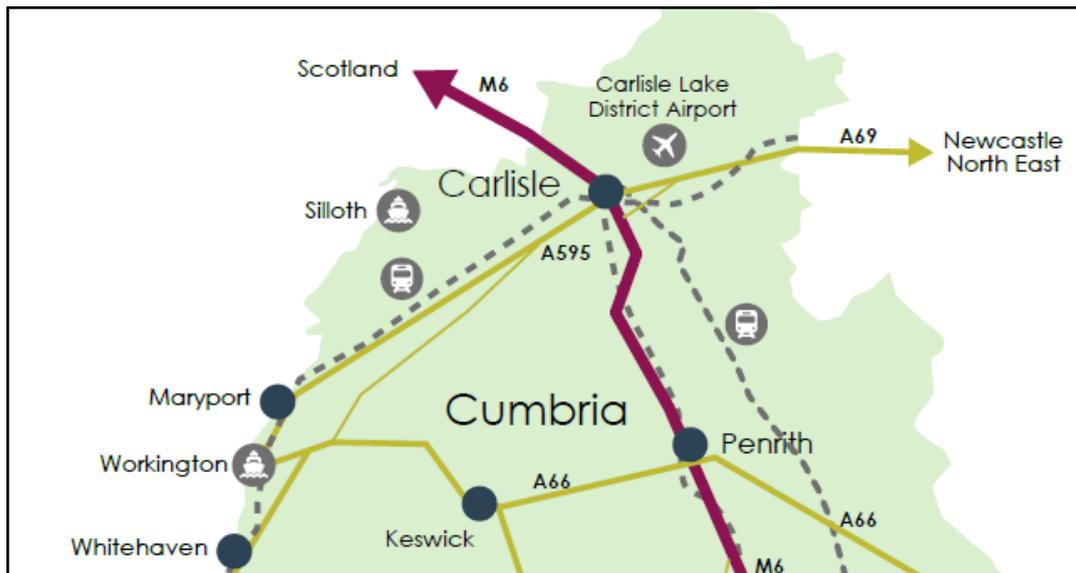
- 2.2.11 The CSLR Scheme is set to improve materially the situation illustrated in Figure 4 above by providing the much needed new route to the South.
- 2.2.12 The CSLR Scheme would provide new crossings over the River Caldew, the Cumbrian Coast Line railway, the West Coast Main Line and the River Petteril, thereby reducing severance. The new route would provide an alternative option for vehicles, drawing traffic out of the city centre by providing new, alternative route options. Rather than passing through the city centre the CSLR Scheme would allow vehicles to move around the southern edge of the city, providing new connectivity for communities by creating a full loop road.
- 2.2.13 Without the CSLR Scheme, the three principal routes in and out of the St Cuthbert's Garden Village area: Brisco Road, Scalegate Road and Durdar Road (shown as red arrows on **Figure 4** above), all connect into area 4, one of the least well connected areas of the city. Without the CSLR Scheme, there would be no alternative route for movements in and out of the area, other than to move through the city centre area in order to access other areas of the city.
- 2.2.14 The CSLR Scheme would also materially improve travel options in areas 3, 4, and 5 by linking these areas together and providing connectivity between them, without the need for travel in and out of the city centre area. The consequential reduction in traffic within the city centre area would undoubtedly be a benefit delivered by the CSLR Scheme.

- 2.2.15 With the CSLR Scheme in place, a significant improvement in capacity is expected at all key junctions (i.e. junctions affected by or created as part of the CSLR Scheme), allowing for about a decade of future growth while also providing a more resilient highway network. While the CSLR Scheme is likely to draw traffic out of and around the city, this shift in movements from everyone having to move through the city centre would free up highway capacity for other modes of transport.
- 2.2.16 Without the CSLR Scheme, based on moderate increases in traffic, the current highway network will suffer from heavy congestion. The ability of the network to cope with the increasing demand, even with junction improvements, is unlikely. Most junctions have been improved already and there is little scope for further significant improvements that will assist traffic flows. The CSLR Scheme would restrict the need for traffic to travel through the city centre by providing an alternative route and journey options around the city instead.
- 2.2.17 Furthermore, it is predicted that there will be a reduction in accidents post implementation of the CSLR Scheme as compared to the existing network, primarily through reducing traffic flows on radial routes in and out of the city. More specifically, it is predicted that with the CSLR Scheme there would be 92 fewer accidents (over the 60 year appraisal period) than without the CSLR Scheme (Source: *Carlisle Southern Link Road - Transport Assessment Report*, Capita, October 2019).
- 2.2.18 Accordingly, the CSLR Scheme would provide a vital southern orbital route around the city; furthermore, the bridges that the CSLR Scheme would deliver are vital to the resilience of the road network (both locally and regionally) and would improve the safety of the network.

2.3 Need for the CSLR Scheme as a Strategic Highway Corridor

- 2.3.1 Whilst Carlisle enjoys excellent north-south transport links, east-west connectivity is recognised as a significant problem particularly in terms of supporting existing employment, businesses and maximising future economic growth. This is a deficiency that the CSLR Scheme would address for Carlisle and the sub-region.
- 2.3.2 Transport for the North, a sub-national transport body for the north of England established by Parliament in 2018, provides regional policy support for the CSLR Scheme. Transport for the North has produced a Strategic Transport Plan (2019) which identifies east-west travel between the west coast of Cumbria and the North East coast as the most significant transport constraint on growth within this part of the country (Page 129). The Major Roads Report (2018), part of the Strategic Transport Plan's evidence base, specifically identifies the delivery of what it refers to as the "Carlisle Southern Bypass" (Page 136) as providing complementary support to the achievement of its "Portfolio of Pan-Northern Connectivity Priorities" (Page 133).
- 2.3.3 **Figure 5** below illustrates how Carlisle is a hub for various transport links including the existing north-south and east-west links.

Figure 5: Carlisle's Strategic Transport Connections



- 2.3.4 The important need for excellent east-west transport links in the sub-region is clear when considering West Cumbria's major nuclear assets and internationally competitive expertise and skills in a range of related activities, including environmental remediation, engineering and decommissioning. Employment and investment in research and development is high in this key sector which forms part of a business cluster (where Sellafield Ltd. alone spends £2 billion per annum), referred to as Britain's 'Energy Coast'. The Sellafield nuclear site, located near Seascale on the Cumbrian Coast, is of national importance and is a significant source of existing employment and future planned development.
- 2.3.5 The A595 also connects Carlisle to the Port of Workington, a strategic freight hub on the Cumbrian Coast, serving Northern England and Scotland.
- 2.3.6 In addition, the west coast of Cumbria is an important location for employment and industry in the county. There are substantial workforce flows between Carlisle and West Cumbria with over 1,700 Carlisle residents working in the Cumbrian west coast districts of Copeland and Allerdale (Source: *Census 2011 - Origin Destination, Office for National Statistics*) and this figure is expected to grow, driven by a range of major developments.
- 2.3.7 The CSLR Scheme would facilitate improved access from the west coast of Cumbria (principally via the A595) to the North East of England (principally via the A69), by providing a good quality east-west link to its principal city of Newcastle-upon-Tyne, a major economic and business location with international air and sea links.
- 2.3.8 The strategic importance of improving links between Carlisle and West Cumbria is also highlighted by its prioritisation within both the Cumbria Local Enterprise Partnership's ("LEP") Cumbria Infrastructure Plan and the Borderlands Growth Deal.

2.4 Enabling the St Cuthbert's Garden Village

- 2.4.1 The CSLR Scheme would directly support the delivery of the significant and ambitious mixed-use, residential-led development proposed to the south of Carlisle, referred to as St Cuthbert's Garden Village.
- 2.4.2 This development forms the cornerstone of the future expansion and development of Carlisle as a sub-regional centre. When complete, it will deliver up to 10,000 new homes together with associated employment, community, retail, and education facilities.
- 2.4.3 As set out in the following Section of this Statement, the St Cuthbert's Garden Village benefits from a broad allocation within the adopted Carlisle District Local Plan (2015-2030), with the detail of how the scheme will be planned and delivered being defined through an emerging development plan document ("**DPD**") on the garden village itself (in line with the Local Plan Policy SP3). The DPD will set out the vision and objectives for St Cuthbert's Garden Village, formally allocate land for development, set out design and place-making policies, and provide an infrastructure delivery plan.
- 2.4.4 The announcement of the preferred route alignment of the CSLR Scheme enabled Carlisle City Council ("**the City Council**") to progress work on the Masterplanning process for St Cuthbert's Garden Village. All the masterplan options were designed around and dependent on the delivery of the CSLR Scheme.
- 2.4.5 The City Council has now concluded the Masterplanning process (details of which are explained in Section 3.5 of this Statement of Case). In November and December of 2020 the City Council's Economic Development Scrutiny Committee and Executive endorsed the final Masterplan Framework. Such approval supports the inclusion of the proposed St Cuthbert's Garden Village in the emerging Local Plan, as it approaches its Examination in Public.
- 2.4.6 The St Cuthbert's Garden Village is central to the Local Plan's ambitions to deliver a step change in growth in both housing numbers and the economy. The delivery of St Cuthbert's Garden Village is dependent on having the transport infrastructure in place to access relevant sites and to ensure that the local highway network in and around Carlisle can accommodate the anticipated journeys associated with the new homes and supporting development. This means that the CSLR Scheme is vital to the realisation of the plans for growth in and around Carlisle.

2.5 Summary and conclusion

- 2.5.1 The CSLR Scheme is required to address the needs underlying the three primary objectives of the CSLR Scheme, namely: the delivery of the St Cuthbert's Garden Village, the improvement of strategic regional transport links and in particular the east west link connecting the Cumbrian coast to the rest of the Country to the south of Carlisle as well as addressing current local traffic problems, in particular resilience arising from the current reliance on a limited number of existing river crossings.

3 Planning Policy Context

3.1 Introduction

3.1.1 This Section identifies the support for the CSLR Scheme in the relevant national, regional and local planning and transport policies.

3.1.2 The key national and regional policy documents are the National Planning Policy Framework and Transport for the North’s Strategic Transport Plan.

3.1.3 The key local planning documents are the:

- *Carlisle District Local Plan (2015-2030); and*
- *St Cuthbert’s Garden Village DPD (emerging).*

3.1.4 The key local transport documents are:

- *Moving Cumbria Forward: Cumbria Local Transport Plan (2011-2026);*
- *Cumbria Cycling Strategy 2017-2022;*
- *Cumbria Countryside Access Strategy 2014-2019; and*
- *Carlisle Transport Improvement Study 2015.*

3.1.5 The key local documents relating to the economy are:

- *Draft Cumbria LEP - Cumbria Local Industrial Strategy; and*
- *Borderlands Growth Deal.*

3.1.6 The policies identified in this Section reflect the need for the CSLR Scheme as identified in the previous Section.

3.2 National Planning Policy Framework

3.2.1 The National Planning Policy Framework (Ministry of Housing, Communities and Local Government, 2019) (“**NPPF**”) sets out the Government’s planning policies for England together with advice on how they should be applied. It provides a framework within which locally-prepared plans for development can be produced and planning decisions made. The relevant policies are considered in **Table 1** below.

Table 1: National Planning Policy Framework Policy Review Summary

NPPF Chapter	Title	Comment
5	<i>Delivering a sufficient supply of homes</i>	Requires local planning authorities to help in achieving the Government’s ambition of “ <i>significantly boosting the supply of homes</i> ” (para.59). The promotion of St Cuthbert’s Garden Village accords with this ambition and the proposal is further supported by paragraph 72 which states “ <i>The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or</i>

NPPF Chapter	Title	Comment
		<i>significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities.</i> This paragraph (para.72) also requires policy-making authorities to <i>"consider the opportunities presented by existing or planned investment in infrastructure..."</i>
6	<i>Building a strong, competitive economy</i>	Requires planning authorities to place significant weight <i>"on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"</i> (para.80). Inadequate infrastructure can be a barrier to investment. The CSLR Scheme, in its role of providing the infrastructure necessary for St Cuthbert's Garden Village and improving east to west connectivity, will help remove such barriers in full support of this policy. The CSLR Scheme is also fully aligned with the Cumbria LEP's priorities and Carlisle's substantial growth ambitions as described elsewhere in this Section. The CSLR Scheme is key to building a strong, competitive economy in and around Carlisle and within Cumbria as a whole.
8	<i>Promoting healthy and safe communities</i>	The CSLR Scheme would create a number of opportunities, facilities and benefits for non-motorised users (" NMU "). The main element of NMU provision would be the creation of a new Shared Path, running the length of the CSLR Scheme on the north side of the carriageway of the new classified road and over various new bridges, a number of which will carry the Shared Path over the arms of three roundabouts, to minimise the interaction of cyclists/pedestrians with road traffic.
9	<i>Promoting sustainable transport</i>	The CSLR Scheme would remove congestion from the network, improving public transport journeys and thus giving people a greater choice of travel options. The planning application for the CSLR Scheme was accompanied by a Transport Assessment, as required by the NPPF, which demonstrated that the residual cumulative impacts of the development would not be severe (thereby satisfying the test in paragraph 109). Pedestrian and cyclist movements are accommodated within the design of the CSLR Scheme.
15	<i>Conserving and enhancing the natural environment</i>	The CSLR Scheme would help to conserve and enhance the natural environment in a number of ways. This would include the provision of wildlife corridors. In addition, the CSLR Scheme would include appropriate landscaping and the creation of drainage ponds which also have an amenity value.

- 3.2.5 The table above demonstrates that the CSLR Scheme is compliant with and supported by the main policy drivers within the NPPF. It is a key piece of infrastructure for the development of Carlisle's and Cumbria's economy and would help to facilitate the delivery of a very material number of new homes whilst also improving local transport provision and connectivity within the area.

3.3 Transport for the North's Strategic Transport Plan

- 3.3.1 Transport for the North has produced a Strategic Transport Plan (2019) which identifies east-west travel between the west coast of Cumbria and the North East coast as the most significant transport constraint on growth within this part of the country (Page 129).
- 3.3.2 The Major Roads Report (2018), part of the Strategic Transport Plan's evidence base, specifically identifies the delivery of what it refers to as the "Carlisle Southern Bypass" (Page 136) as providing complementary support to the achievement of its "Portfolio of Pan-Northern Connectivity Priorities" (Page 133). One of the key purposes of the CSLR Scheme is the east-west connection.

3.4 Carlisle District Local Plan (2015 – 2030)

- 3.4.1 The Local Plan for the Carlisle district was adopted in November 2016 and sets out the policies and sites which will deliver the necessary housing, employment, retail and leisure development in the Carlisle district for the period from 2015 to 2030.
- 3.4.2 To meet the ambitious growth needs of Carlisle, the Local Plan includes a major mixed-use development site to the south of the city's existing urban area. This site was selected in January 2017 for one of the Government's proposed Garden Villages, the delivery of which is expected to commence in 2025. Delivery of this project would extend beyond the Local Plan period and would provide longer term continuity in the supply of development land to enable the growth of the city. When completed it is anticipated that the development site (St Cuthbert's Garden Village) would accommodate up to 10,000 new homes together with employment, community, retail, and education facilities. The CSLR Scheme is needed to deliver this ambition.
- 3.4.3 The following policies in the Local Plan are considered the most relevant to the CSLR Scheme:

Policy SP2 - Strategic Growth and Distribution

- 3.4.4 The rationale for the growth ambitions of Carlisle is expressed in part through the policy's justification text which states:
- "The delivery of housing is a key thrust of the spatial strategy necessary in order to respond to changes in local demographics and equally in accommodating in-migration necessary to support economic growth through helping to sustain an economically active workforce"* (para. 3.7).
- 3.4.5 'Carlisle South' (i.e. the site of the proposed St Cuthbert's Garden Village) *"...has been identified as a broad location to accommodate additional housing growth within and beyond the Plan period"* (para. 3.14) and has been allocated as such.

Policy SP3 - Broad Location for Growth: Carlisle South

- 3.4.6 This policy is the key driver behind the St Cuthbert's Garden Village proposal. It sets out that 'Carlisle South' is the "*broad location for ... a major mixed use development, focusing on housing*" that will "*be in accordance with a masterplan ... to be approved*" and that "*to support the housing development, there will be a requirement for...infrastructure including highways.*" The policy states that "*The potential for the future development of a southern relief road linking Junction 42 of the M6 with the southern end of the A689 will be an integral part of the masterplan*".
- 3.4.7 The justification text further links the delivery of 'Carlisle South' and the CSLR Scheme at paragraph 3.35 where it is acknowledged that such a link would also "*afford opportunities to secure investment in employment premises in the strategic M6 corridor*".
- 3.4.8 It then goes on to state that "*it would be through this [masterplanning] process where consideration would be afforded to the ... infrastructure necessary to support growth*" (para. 3.36).

Policy SP5 - Strategic Connectivity

- 3.4.9 The policy justification acknowledges that "*Carlisle fulfils an important role as a strategic transport hub for the wider Cumbrian sub-region*".
- 3.4.10 This policy itself requires "*The City Council to support improvements to the transport network ... in order to support the District's growth aspirations and Carlisle's role as a strategic transport hub*" and states that "*Opportunities will...be taken to:...develop a southern relief road linking Junction 42 of the M6 with the southern end of the A689 as part of developing the broad location of Carlisle South*". This demonstrates that the case for the CSLR Scheme relates both to the support of St Cuthbert's Garden Village and the development of an east-west connection to the south of the City.

Policy EC1 - Employment Land Allocations

- 3.4.11 This policy further supports the St Cuthbert's Garden Village proposal in that it states "*Consideration will be afforded to the need for and nature and quantum of land release at Carlisle South, in order to support longer term economic objectives, through acting to masterplan the planned major mixed use development in accordance with Policy SP3*".
- 3.4.12 The justification text further emphasises the need to develop Carlisle South via a masterplanning exercise (paras. 4.5 – 4.6), with such an exercise now having commenced for St Cuthbert's Garden Village – see Section 3.5 below.

Policy IP1 - Delivering Infrastructure

- 3.4.13 Policy IP1 acknowledges the importance of ensuring "*that sufficient infrastructure is in place in order to support [new development]. Where this is not the case, or where proposals would place an unacceptable strain on existing infrastructure networks, development will not be permitted unless arrangements can be made to ensure the timely delivery of required infrastructure improvements.*"
- 3.4.14 Section 2 sets out how the full delivery of St Cuthbert's Garden Village is dependent on the CSLR Scheme which will ensure no such "*unacceptable strain*" is placed on the "*existing infrastructure networks*" as a result of the Garden Village development.

- 3.4.15 As the principal expression of the ambition and direction of travel for Carlisle, the City Council has, through its Local Plan, established a clear way forward for the city in terms of growth within and beyond the current Local Plan period. Delivering St Cuthbert's Garden Village is a key driver of this growth ambition; the general thrust and specific requirements of key policies outlined above provide a robust context to pursue its development and clearly support the construction of the CSLR Scheme as a piece of essential infrastructure both for St Cuthbert's Garden Village and, more generally, to provide an east-west link to the south of the City.

3.5 St Cuthbert's Garden Village Local Plan and Masterplan

- 3.5.1 As set out and required by strategic policy SP3 of the Local Plan, the St Cuthbert's Garden Village proposal must be informed by *"a Development Plan Document inclusive of an Infrastructure Delivery Strategy"*.
- 3.5.2 Work has therefore begun on preparing the St Cuthbert's Garden Village Local Plan ("**the SCGV Local Plan**") which will include the Infrastructure Delivery Strategy. Once adopted, the SCGV Local Plan will form part of the development plan for Carlisle.
- 3.5.3 In order to inform the shaping of the SCGV Local Plan a masterplanning exercise has been undertaken. Stage 1 of the masterplanning was concluded in late 2018 and provided a vision, key guiding principles and a concept framework for how the area should be developed.
- 3.5.4 Stage 2 started in February 2019 and sought to test the outputs from Stage 1 against more detailed evidence and to provide a more detailed strategic masterplan framework for the site. This was achieved by adding to the evidence base and drawing on the vision, key principles and findings from previous engagement to prepare a number of options for a strategic masterplan framework ultimately resulting in a planning, design and delivery framework focused on setting a high standard of quality of place to inform and support the preparation of the SCGV Local Plan. Conclusions from the evidence base, together with the concept and vision from Stage 1 and findings from previous public and stakeholder engagement were used to prepare three draft options for a strategic masterplan framework. The three options presented for the strategic masterplan framework were consulted upon during September and October 2019 alongside the proposed *St Cuthbert's Garden Village Local Plan – Overview and Scope* (September 2019) with a view to finding the preferred option as well as defining the planning policy framework prior to the next stage of consultation on the draft SCGV Local Plan.
- 3.5.5 The masterplanning exercise made clear that the CSLR Scheme is integral to the delivery of the St Cuthbert's Garden Village. It described the purpose of the CSLR Scheme as being to unlock development land for the St Cuthbert's Garden Village (Stage 2 Masterplan, p.10). It stated that the CSLR Scheme is of strategic importance to the St Cuthbert's Garden Village and would improve east-west connectivity to the south of Carlisle as well as providing important links to key employment sites in the north of the city (Stage 2 Masterplan, p.10). A key masterplanning principle was making the use of the opportunities presented by the CSLR Scheme (Stage 2 Masterplan, p.12). As a result of all of the above, the proposed route of the CSLR Scheme was an assumption in the development of the all of the design options for the St Cuthbert's Garden Village, i.e. the new housing has been

designed around the CSLR Scheme. It is clear, therefore, that the CSLR Scheme is an integral part of the St Cuthbert's Garden Village proposal, which has been designed on the assumption of the delivery of the CSLR Scheme (there is no iteration of the design without the CSLR Scheme); and the CSLR Scheme itself and the supporting NMU features of the CSLR Scheme are a key part of the movement strategy of all St Cuthbert's Garden Village development options.

3.5.6 All three options set out the quantum of development that is expected to be delivered by the SCGV Local Plan and the CSLR Scheme as an integral part of the overall scheme. Some of the figures varied due to the different configurations between the options – these were as follows:

- Housing - up to 10,325 units on between 255–305ha. of land;
- Offices and light industrial uses integrated into mixed-use development - up to 25,000m²;
- Employment space on additional land – up to 90,000m²;
- Sports pitches – between 65-78ha;
- Play areas – between 34-41ha;
- Primary schools – 6 new schools would be required when the housing allocation is fully developed; and
- Secondary school – 1 new school.

3.5.7 Other associated facilities such as health, community and emergency services were all discussed in the emerging Masterplan but without any specific suggested land or site allocations.

3.5.8 The 'SCGV Local Plan – Overview and Scope' sets out the vision of St Cuthbert's Village:

“St Cuthbert's will provide connected villages set in stunning healthy landscapes within the world class setting of the Lake District National Park, the North Pennines Area of Outstanding Natural Beauty and Hadrian's Wall World Heritage Site. A cluster of distinct garden villages set in an attractive recreational, riverside and landscape setting will be well connected to Carlisle and wider countryside. St Cuthbert's will actively promote healthy lifestyles providing integrated communities focused around high-quality homes, locally distinctive spaces and inclusive facilities. Innovation and technology will support attractive employment opportunities and exemplary low carbon living.” (Page 4)

3.5.9 The 'SCGV Local Plan – Overview and Scope' also sets out three categories of objectives: social, economic and natural environment. The CSLR Scheme would be integral to the achievement of a number of objectives within each of these categories, namely:

3.5.10 **“To promote an environment where accessibility to services, amenities and facilities is safe and attractive by virtue of high-quality design and layout, in particular with first class cycling and walking routes.”** (part of the social objective - Page 5). By providing a traffic-free east-west Shared Path and connections into and improvements to the existing public rights of way (“**PRoW**”) network, the CSLR Scheme would help to achieve the delivery of *“first class cycling and walking routes”*. Further details of the CSLR

Scheme's proposals for extensive walking and cycling facilities are set out in Section 7.5.9 of this Statement.

- 3.5.11 ***“To realise Carlisle’s ambitious plans for growth. To expand the workforce through addressing the challenge of Carlisle’s declining working age population. To increase the regional and national prominence of Carlisle, harnessing the area’s substantial assets and fostering the right conditions to draw a greater level of inward investment into the District, [and] To create a strong local economy...supporting a range of innovative and sustainable employment opportunities that capitalize on the strengths of the location as a key interchange for north-south and east-west destinations.”*** (part of the economic objective - Page 5). The implementation of the CSLR Scheme would therefore directly support this objective by facilitating the development of St Cuthbert’s Garden Village which would directly contribute to an expanded local workforce and provide extensive, well located and easily accessible commercial development opportunities. It would further reinforce Carlisle’s status as a well-located transport hub. Attracting inward investment to any area is an extremely competitive process; the CSLR Scheme and the high profile St Cuthbert’s Garden Village will help Carlisle to achieve a competitive edge. Existing businesses, especially those like the Pirelli tyre factory, that rely on extensive international supply chains, will directly benefit from quicker and more direct access to the strategic road network. Generally, many businesses will also benefit from improved accessibility between the south of Carlisle, where the majority of the urban population are resident, to the concentration of employment opportunities at Kingmoor Park and Kingstown Industrial Estate to the north of the city.
- 3.5.12 ***“To ensure that St Cuthbert’s Garden Village is always a garden first”*** (part of the natural environment objective - Page 6). The CSLR Scheme would complement this approach by minimising the impact of the road’s construction and operation on the natural environment. Furthermore, the environmental mitigation and enhancement proposals that form part of the CSLR Scheme would result in a ‘net gain’ in biodiversity following completion, with the proposed planting regime including more native species and a greater diversity across a larger area than would be lost. Further information regarding environmental benefits is set out in Section 7.5.19 below.
- 3.5.13 Stage 2 of the masterplanning exercise was completed in October 2020: the Final Masterplan Framework (published by the City Council in October 2020) establishes a detailed design framework for St Cuthbert’s Garden Village, based on the preferred option for the strategic location, layout and design of St Cuthbert’s Garden Village. In outlining the strategic context for the St Cuthbert’s Garden Village, the Masterplan Framework states that *“The Garden Village will only be fully realised if it is fully integrated with the Carlisle Southern Link Road...”* (page 8).
- 3.5.14 The Final Masterplan Framework forms part of the evidence base which will be used to inform and support the preparation of the St Cuthbert’s Garden Village Local Plan and the development of a related Supplementary Planning Document addressing Strategic Design matters (see section 3.6 below).
- 3.5.15 Between 10 November 2020 and 22 December 2020 the City Council held a public consultation on its three Preferred Option Policies for the St Cuthbert’s Local Plan. That consultation identified the preferred masterplanning option upon which the Final Masterplan Framework is based. The City Council is currently reviewing and analysing the consultation

responses received and is updating and amending the draft Local Plan policies accordingly. When this analysis, which will include consideration of any new evidence and issues that have arisen, has been completed, the Local Plan will be refined into a 'Publication' version which will be published in the spring of 2021 for further formal public consultation (under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012). Following the Regulation 19 consultation, it is the City Council's intention to submit the Local Plan to the Secretary of State in the autumn of 2021 for independent examination by the Planning Inspectorate in the winter of 2021. The St Cuthbert's Garden Village Local Plan is scheduled for adoption in the summer of 2022.

3.6 St Cuthbert's Garden Village Strategic Design Supplementary Planning Document

3.6.1 A key aspiration of the proposals for St Cuthbert's Garden Village is that good design is at the heart of the development and embedded throughout. A Strategic Design Supplementary Planning Document ("**SPD**") is therefore being developed to help provide guidance for planning applications made in connection with the St Cuthbert's Garden Village proposals and to ensure that quality design plays a vital role in planning negotiations and decisions from the outset.

3.6.2 The Strategic Design SPD, which is linked to existing policies in the adopted Carlisle District Local Plan 2015 – 2030, will set out the required design and environmental standards for development within the garden village and will ensure that robust planning guidance is in place to shape planning applications coming forward on land within the garden village in advance of the proposed adoption of the St Cuthbert's Local Plan in 2022.

3.6.3 The interdependence between the CSLR Scheme and St Cuthbert's Garden Village is clearly communicated in the Strategic Design SPD. It sets out strategic design requirements which address considerations which include 'active and sustainable travel' (Strategic Requirement 7), 'access and movement' (Strategic Requirement 8) and 'street hierarchy' (Strategic Requirement 9). Together, these strategic design requirements contribute to securing the vision set out in the St Cuthbert's Garden Village Masterplan by ensuring that:

- [Garden Village] development will be accessed from new junctions onto the existing road networks and via the CSLR; and [there must be] direct vehicular access to the Garden Village from the CSLR (para 6.6.3);
- the St Cuthbert's Garden Village will connect to and maximise the CSLR's shared-use pedestrian and cycle path which will provide a new continuous east-west link on the southern edge of St Cuthbert's from the A595 roundabout to the M6/A6 London Road (para 6.6);
- cycle and pedestrian connections from the CSLR must be integrated into the Garden Village sustainable travel network (para 6.6.1);
- the CSLR has an important role for all modes [of transport] in connecting the Garden Village [given the significant existing barriers to east-west movement created by the rivers and railway lines] (para 6.6.1).

3.6.4 A public consultation on the draft Strategic Design SPD was held between Tuesday 10 November 2020 and Tuesday 22 December 2020. The consultation responses received are now being reviewed by the City Council and the Strategic Design SPD will be updated accordingly before it is adopted, in April 2021, as a supplementary planning policy document for the St Cuthbert's Garden Village.

3.7 Moving Cumbria Forward: Cumbria Transport Plan Strategy 2011-2026

3.7.1 Moving Cumbria Forward: Cumbria Transport Plan Strategy 2011-2026 ("**Cumbria Transport Plan**") sets out how roads, footways, cycle tracks, PRowS and public transport will be improved and managed. The purpose of the plan is to support local and sub-regional priorities to deliver its key objectives.

3.7.2 The Cumbria Transport Plan vision is as follows:

"A transport system and highway network in Cumbria that is safe, reliable, available, accessible and affordable for all which supports the following priorities:

- *safe, strong and inclusive communities*
- *health and well-being throughout life*
- *a sustainable and prosperous economy*
- *effective connections between people and places*
- *world class environmental quality and in doing so minimises carbon emissions."*

3.7.3 The CSLR Scheme would help to achieve several of these priorities.

3.7.4 "**safe, strong and inclusive communities**" – as demonstrated in section 4 of the Transport Assessment that supported the CSLR Scheme planning application, it is predicted that following implementation of the CSLR Scheme there would be approximately 92 fewer road traffic accidents (over the 60 year appraisal period), primarily achieved through reducing traffic flows on arterial routes.

3.7.5 "**health and well-being throughout life**" – as set out in Section 7.5.9, the CSLR Scheme would deliver a new Shared Path running on the north / city side of the carriageway of the new classified road and providing a safe and sustainable transport option via walking or cycling. Furthermore, the CSLR Scheme would bring about a number of environmental benefits, as set out in Section 7.5.19.

3.7.6 "**a sustainable and prosperous economy**" - as set out in Section 2.4 above, the CSLR Scheme will play a critical role in enabling St Cuthbert's Garden Village to come forward, and in helping to achieve the strategic growth ambitions of the city.

3.7.7 "**effective connections between people and places**" - as set out in Section 2.3, the CSLR will provide much needed east to west connectivity supporting both existing employment and businesses and also maximising the potential for future economic growth. This includes improved connectivity for existing residents located to the south of Carlisle to Kingmoor Park (a key employment area and Enterprise Zone) and residents to the west

side of Carlisle to the M6 Motorway (a critical transport route), allowing a larger number of commuters to access these areas without having to travel through the city centre.

- 3.7.8 ***"world class environmental quality and in doing so minimises carbon emissions"*** – as set out in Section 7 below, the CSLR Scheme will support walking and cycling, featuring a dedicated Shared Path (for pedestrians and cyclists) along its entire length; it will also provide new connections for pedestrians and cyclists to access the existing PRoW network, making travel by sustainable modes of transport easier and more attractive, with the aim of reducing carbon emissions. In addition, as the CSLR Scheme will provide brand new infrastructure, its design will seek to incorporate the resilience needed to address the environmental impacts of climate change.

3.8 Cumbria Cycling Strategy 2017-2022

- 3.8.1 The Cumbria Cycling Strategy's vision is for Cumbria and the Lake District to be one of the best places to cycle in the UK with more people cycling more often. The Strategy notes that *"many journeys presently made by car are short trips where cycling provides a realistic alternative. Emphasis is given by the Council to encouraging an increasing number of journeys by bike to school and work."*
- 3.8.2 The Strategy highlights Cumbria's appeal to leisure cyclists, noting *"a number of long distance cycle routes pass through the County offering opportunities for leisure cycling"*. The Strategy states that there are plans to further extend Sustrans routes in Cumbria *"to form a complete cycle network which uses where possible lightly trafficked minor roads. On busier roads off-road cycle and walking routes will be developed"*.
- 3.8.3 In its objective to improve cycling infrastructure the Strategy notes it *will "seek funding to identify and develop multi-user routes within the County's main towns and the city of Carlisle. They will be traffic free wherever possible to improve cycle safety"*. The Strategy seeks to 'plug the gaps' in the cycle network stating, *"we will work with partners and landowners to improve the rights of way network for cyclists and improve the off-road cycling offer in Cumbria"*.
- 3.8.4 The CSLR Scheme provides a number of cycling facilities including a cycling route along its entire length.

3.9 Cumbria Countryside Access Strategy 2014-2019

- 3.9.1 The Countryside Access Strategy is a strategic framework for the management and improvement of countryside access and recreation in Cumbria. The goal of the Strategy is for Cumbria to be *"a place where visitors and local people can explore, enjoy and develop an understanding of the diverse countryside, both on land and water, and are enabled to do so in a variety of sustainable and responsible ways."* The CSLR Scheme would link into a number of existing public rights of way and would have a footway along its entire length.

3.10 Carlisle Transport Improvement Study 2015

- 3.10.1 The Carlisle Transport Improvement Study was commissioned by Cumbria County Council in order to support the proposed Carlisle District Local Plan and to mitigate the impacts of

growth required by that Plan. The study identifies a range of potential sustainable transport improvements that can be delivered in Carlisle with the aim of encouraging modal shift from the car to other means of transport and reducing the impact of vehicular traffic on the road network.

- 3.10.2 The report notes the “*relatively high proportion of walking trips to and from work in Carlisle, with the 2011 Census recording 14.6% which is significantly in excess of the national average of 9.8%*”. However, “*2.5% of Carlisle residents travel to work by bicycle which is slightly below the national average of 2.9%*”.
- 3.10.3 Specific issues identified as part of the review of cycle facilities include: “*Gaps in completeness of cycle lanes connecting the south-west and south-east of Carlisle to the city centre*”, “*a lack of cycle network connections to Local Plan sites*” and “*low visibility of signage for cycle routes*”. The study sets out a Cycle Network Plan highlighting the Petheril Valley Link and Caldew Cycleway as priority schemes. The closest proposed scheme to the study area is the proposed developer funded Currock Cycleway connecting Hammonds Pond with the Caldew Valley path at Currock Bridge.
- 3.10.4 As set out above, the CSLR Scheme would improve cycling and NMU facilities to the south of Carlisle.

3.11 Cumbria LEP

- 3.11.1 The Cumbria LEP is a business-led partnership between all Cumbrian local authorities and the private sector; its role is to determine local economic priorities and to undertake activities to drive economic growth and the creation of jobs. Each LEP bids to the Government for funding for projects that meet the LEP’s strategic priorities and will accelerate economic growth in their area. The Cumbria LEP has provided a strong letter of support for the CSLR Scheme and St Cuthbert’s Garden Village (see Section 9 for more details).

3.12 Cumbria Local Industrial Strategy (draft)

- 3.12.1 The draft Cumbria Local Industrial Strategy (“**LIS**”) was agreed by the Cumbria LEP board in March 2019, in response to the UK Government’s national Industrial Strategy 2017.
- 3.12.2 The LIS “*vision is shaped by the ... challenge of our potentially shrinking workforce – driving the need to attract and retain talent to live and work here.*”
- 3.12.3 It contains five strategic objectives of which two are relevant here:
- Strategic Objective 1: Growing and using our talent pool
 - Strategic Objective 5: Improving connectivity across the county
- 3.12.4 In respect of Strategic Objective 1 the LIS sets a target (target No.4) to “*build more homes and increase the range of housing offered*”.
- 3.12.5 In respect of Strategic Objective 5 the LIS states “*Cumbria’s overall location is a key strength, however our geography also presents challenges. Although our north south links along the M6 corridor are excellent, the reliability and resilience of many of our key connections into this corridor are poor. We have major industries that are poorly served by*

connections and there is a need to better connect our dispersed clusters of people and business activity". As explained before, the CSLR Scheme would deliver material improvements in east-west connectivity.

3.13 Cumbria LEP Infrastructure Plan

- 3.13.1 The Cumbria Infrastructure Plan, which was agreed by the Cumbria LEP Board in May 2016, is a strategic document that prioritises the infrastructure needed to facilitate economic growth and maximise opportunities from large scale projects over the next fifteen years. The Cumbria Infrastructure Plan supports the delivery of key infrastructure improvements to meet the priorities set out in the Cumbria Strategic Economic Plan.
- 3.13.2 The Cumbria Infrastructure Plan identifies the CSLR Scheme as a medium to long term priority and states *"Development of a new link road connecting J42 of the M6 and A595 to enable the strategic growth to the south of Carlisle whilst also improving strategic east to west connectivity and reducing congestion in the city centre. Delivery of this scheme would extend beyond 2030 and would provide longer term continuity in the supply of development land to enable the growth of the city. When completed it is anticipated that this urban extension could accommodate as many as 10,000 new homes alongside new community facilities, schools and strategic employment opportunities. Initial work on planning this growth location and the new link road has commenced."*
- 3.13.3 As set out in Section 2 above, the CSLR Scheme would enable the delivery of St Cuthbert's Garden Village which will help attract residents that are of working age, promote innovation and improve connectivity for new and existing communities within the St Cuthbert's Garden Village; it would also improve strategic connectivity in line with and contributing to the achievement of these two objectives.

3.14 Borderlands Growth Deal

- 3.14.1 In July 2019 the UK and Scottish Governments signed a cross-border heads of terms agreement known as the Borderlands Growth Deal aimed at accelerating the region's economic development, creating jobs and encouraging future investment in the area.
- 3.14.2 The other local authority signatories were Carlisle City Council, Cumbria County Council, Dumfries and Galloway Council, Scottish Borders Council and Northumberland County Council.
- 3.14.3 Considered to be part of the wider Northern Powerhouse initiative, the overall growth deal package is worth up to £394.5million and seeks to deliver £1.1billion of Gross Value Added uplift and around 5,500 jobs in the region.
- 3.14.4 One of the three main challenges that the initiative is seeking to address is increasing the working age population in the region. Locally, development proposals designed to address the three main challenges will *"focus on making improvements to transport, skills, place and regeneration, digital infrastructure, energy, business growth, rural innovation, culture and tourism"*.
- 3.14.5 Whilst not directly funded through it, the CSLR Scheme (by virtue of it enabling St Cuthbert's Garden Village and improving the local and strategic transport network) will make an important contribution to the Borderlands Growth Deal priorities.

3.15 Summary/Conclusion

- 3.15.1 The CSLR Scheme is closely aligned with the strategic objectives of the Local Plan and the transport and economic policies for the area. These policies have been developed in light of the need case set out in Section 2 of this Statement and, as a result, reflect the need case.
- 3.15.2 In particular, the CSLR Scheme will play a significant role in helping to achieve the strategic growth and employment policy objectives set out in Policies SP2, SP3, SP5 and EC1 and the allocation of 'Carlisle South' (the site of St Cuthbert's Garden Village) as a broad location for growth for a major mixed use development, focusing on housing. All options for the development of the St Cuthbert's Garden Village in the emerging SCGV Local Plan are predicated on the delivery of the CSLR Scheme and designed on the assumption that it will be in place.
- 3.15.3 The CSLR Scheme would also help to deliver a number of the priorities in the Cumbria Transport Plan, including the need for east-west connectivity to the south of the city and to improve local transport conditions as well as improving options for sustainable modes of transport by facilitating non-motorised uses.
- 3.15.4 Furthermore, the CSLR Scheme is in line with and would contribute to, the achievement of Strategic Objectives: Strategic Objective 1 (growing and using our talent pool) and Strategic Objective 5 (improving connectivity across the county) and would make an important contribution to the fulfilment of the Borderlands Growth Deal priorities.
- 3.15.5 The CSLR Scheme also closely aligns with the NPPF, in particular those policies relating to promoting housing and economic growth.
- 3.15.6 In conclusion, the Council considers that the CSLR Scheme is fully aligned with, supported by and compliant with local and national transport planning and development planning policy.

4 Planning Position

- 4.1.1 The Council is the local planning authority for the CSLR Scheme.
- 4.1.2 An application for full planning permission for the CSLR Scheme was submitted on 14 October 2019 (ref. 1/19/9012) and validated the same day.
- 4.1.3 The application had been informed by consultation with key statutory bodies and the community, and was supported by an Environmental Statement and other required documents.
- 4.1.4 During the determination period for the planning application for the CSLR Scheme, the Council received some requests from statutory consultees for further information to assist them with the preparation of their responses to the consultation on the planning application. Further information was provided by the Council in response to these requests. Also, a number of statutory consultees expressed their support for the CSLR Scheme. A synopsis of statutory consultees' responses to the Council's consultation on the planning application for the CSLR Scheme is set out in paragraph 9.8.3 below.
- 4.1.5 On 9 October 2020 the planning application to build the CSLR Scheme was approved by the Council's Development Control and Regulation Committee. Planning permission was granted subject to conditions, as set out in the Decision Notice dated 13 October 2020 (Reference No. 1/19/9012).
- 4.1.6 In accordance with the conditions subject to which the planning permission has been granted, discharge consents, ecological consents and waste management licences will be applied for during the detailed design stage of the CSLR Scheme.
- 4.1.7 The need for planning conditions to be discharged is not considered to be an impediment to the CSLR Scheme proceeding. As part of the planning process, there has already been extensive dialogue undertaken by the Council with all the statutory bodies involved. This includes the Council as the Lead Local Flood Authority in the case of discharge consents. This dialogue has helped to shape the preliminary design of the CSLR Scheme and has also provided an opportunity for the statutory bodies to influence matters and to ensure their own requirements will be met and included in the Scheme proposals from an early stage.
- 4.1.8 For these reasons, and given the close compliance with planning policy (see Section 3), the support for the CSLR Scheme (see Section 9) and the benefits it would bring (see Section 2), the Council has a high level of confidence that there will be no potential impediments to the Orders being implemented, if confirmed.

5 Funding Position

5.1 Estimated Cost of the CSLR Scheme

- 5.1.1 The estimated cost of the CSLR Scheme is £144 million.
- 5.1.2 This cost estimate is calculated on the basis of a preliminary design standard, including: all land assembly costs (including blight), planning costs, design, management and supervision costs, construction works costs, VAT allowance, risk allowance and inflation allowance.
- 5.1.3 This figure will be reviewed and monitored as the project progresses through the delivery programme stage and whilst the costs will only become more certain once the detailed design and a tender process have been completed, the Council has the necessary resources and contingency to fund any increases or cost overruns that may occur (see Section 5.3 below).

5.2 Sources of Funding: Housing Infrastructure Fund

- 5.2.1 In 2017 the Government launched the Housing Infrastructure Fund (“**HIF**”). The HIF is a government capital grant programme seeking to help deliver up to 100,000 new homes in England. It was targeted at local authorities on a highly competitive basis, providing grant funding for new infrastructure that would unlock new homes in the areas of greatest housing demand.
- 5.2.2 In September 2017, and with the support of the City Council, a 'Forward Fund' expression of interest for the CSLR Scheme was submitted to the Government. In March 2018 the Council was advised that the expression of interest had been prioritised and was invited to submit a full application.
- 5.2.3 The Council’s application for HIF funding was submitted in September 2018 requesting £102 million for the delivery of the CSLR Scheme. The application was part of the ‘Forward Funding’ initiative, intended for a small number of strategic high impact schemes. As part of this, the Council had to demonstrate how the CSLR Scheme would be integral to unlocking land for the development of St Cuthbert’s Garden Village.
- 5.2.4 In February 2019 it was announced that the Council’s application for HIF funding had been successful and in April 2019 a letter confirming the award of the grant was received by the Council.
- 5.2.5 There has been an extended period of negotiation on the HIF Grant Determination Agreement (“**GDA**”) for the CSLR Scheme reflecting the scale and complexity of the project. A key part of the negotiation with Homes England has related to the project cost. Following the announcement of the HIF award, the County Council continued to progress the project development work. This led to the submission of the planning application for the CSLR Scheme in October 2019. In parallel to the submission of the planning application, a cost validation review of the CSLR Scheme was undertaken and this identified an estimated scheme cost of £136.7m, forecasting a funding short-fall of £24.7m.

- 5.2.6 As part of the negotiations with Homes England on the GDA, there has been discussion in relation to the impacts of Covid-19 on the scheme delivery timescales as well as options for accelerating delivery to support economic recovery. The initial proposal was to extend the HIF Expenditure date from March 2024 to March 2025. However, in order to support fiscal stimulus, the Council was asked to put forward a proposal that would ensure delivery for March 2024. On 9 June 2020, a 'fast-track' proposal was submitted to Homes England for an additional £32m to cover the funding shortfall (£24.7m) and to accelerate delivery (£7.3m). The benefit of the 'fast-track' proposal for Government is that it removes the uncertainty associated with the previously identified funding shortfall and provides the confidence and commitment for scheme delivery with the associated benefits it will deliver, alongside an accelerated programme that would see all HIF Expenditure completed by the end of March 2024 and practical completion of the road by 31 May 2024.
- 5.2.7 Confirmation of £32m additional funding was received on 13 July 2020, increasing the grant funding from £102m to £134m. This was subject to contracting of the GDA being complete by 31 July 2020.
- 5.2.8 On 31 July 2020 the HIF Grant Determination Agreement was entered into between the Council, the City Council and Homes England, enabling the Council to draw down the £134 million subject to it satisfying a number of conditions, which include:
- defrayal of HIF Expenditure by 31 March 2024;
 - funding contributions towards the CSLR Scheme costs, of £5 million each from the Council and from Carlisle City Council (together £10 million);
 - acquisition by the Council of the land required to build the CSLR Scheme, including through the exercise of compulsory purchase powers where necessary;
 - preparation of a Housing Delivery Statement and Local Plan for the SCGV by Carlisle City Council, including an agreed approach with Homes England to enable development of the SCGV (10,235 new homes) by 2047; and
 - the completion of a Collaboration Agreement between the Council and Carlisle City Council governing respective roles and responsibilities.
- 5.2.9 There is therefore a high level of certainty that funding will be in place at the necessary time to construct the CSLR Scheme.

5.3 Sources of Funding: Council and City Council Contributions

- 5.3.1 £10 million will be provided by the Council and the City Council in equal parts (£5m each).
- 5.3.2 The Council at its Cabinet Meeting on 26th July 2018 recommended to full Council that the financial contribution of £5 million, which was included in the financing strategy for the Outline Business Case submission (for the HIF application), be included in the capital programme for 2020/21.
- 5.3.3 At the following Council Meeting on 5th September 2018, the Council approved the inclusion of the £5m for the CSLR Scheme in its capital programme.

5.3.4 The City Council at its Special Meeting on 20th February 2019 resolved to allocate its £5 million for the CSLR Scheme. This is currently programmed to be spent in the financial year 2022/23.

5.3.5 It is intended that this £10 million contribution will in the future be recouped from developers seeking planning consent to build housing as part of St Cuthbert's Garden Village that will be unlocked by the CSLR Scheme.

5.4 Conclusion

5.4.1 The Council is therefore confident that all necessary funding will be available to enable the CSLR Scheme to proceed at the necessary time.

6 Delivery of the CSLR Scheme

6.1 Programme

6.1.1 A preliminary construction programme for the CSLR Scheme has been developed with input from an experienced contractor, John Sisk and Son Ltd.

6.1.2 Key elements of that preliminary construction programme have been incorporated into a delivery programme for the CSLR Scheme; this includes the following milestones, to which the Council is currently working:

- Spring 2019 – Summer 2020 – Ongoing design of the CSLR Scheme, site surveys and assessments;
- Autumn 2019 – Planning application submission (planning permission was granted on 13 October 2020);
- Summer/Autumn 2020 – Make CPO and SRO (the CPO and SRO were made on 21 September 2020);
- Spring/Summer 2021 – CPO and SRO public inquiry;
- Winter 2021 – Confirmation of CPO and SRO;
- Spring 2022 – Construction starts (24 month construction period);
- Summer 2024 – Construction completes and CSLR Scheme opens.

6.1.3 Provided the Orders are confirmed, these milestones are considered to be reasonable and viable and will enable the Council to exercise its compulsory purchase powers within the statutory timeframe.

6.2 Procurement

6.2.1 The Council will secure the delivery and implementation of the CSLR Scheme through a tendered contract which will be fully compliant with the Official Journal of the European Union requirements.

6.2.2 In terms of the procurement of the main works, the Council expects to receive bidders' responses to its Invitation to Tender (ITT) for the detailed design stage of the Scheme on 29 January 2021. The Council expects to award this contract at the end of March 2021. Following successful evaluation of the deliverables from this contract in February / March 2022, the construction phase will proceed until March 2024.

7 Location and Description of the CSLR Scheme Land and Works

7.1 General Location

- 7.1.1 The CSLR Scheme would lie to the south of Carlisle, in Cumbria (see plan at **Appendix 1**).
- 7.1.2 To the east, the M6 Motorway provides a national north-south link and to the west, the A595 (and, from Thursby, the A596) provide connections to towns and concentrations of employment on the Cumbrian west coast. To the south of Carlisle, connectivity 'east to west' between the M6 Motorway and the A595 is limited, with traffic utilising minor roads through the villages of Durdar and Dalston, congested routes through Carlisle city centre, or long diversions via Junction 44 of the M6 Motorway to the north of Carlisle.
- 7.1.3 The only route to the south of Carlisle connecting Junction 42 of the M6 Motorway and the A595/A689 junction at Peter Lane requires travelling through Durdar and Dalston. The C1014 (Newbiggin Road) runs from Junction 42 of the M6 Motorway in a westerly direction to the village of Durdar before, as Buckabank Road, it heads in a south-westerly direction to a crossing point over the River Caldew at Dalston. In order to connect to the A595/A689 junction, a journey north-westwards along the A595 is then necessary to reach the western end of Peter Lane.

7.2 Nature and Condition of the CPO Land

- 7.2.1 The majority of the CPO Land is agricultural land, greenfield and is typically used for crops, for grass for use as silage, for grazing by livestock or for a combination of all these activities on a rotational basis.
- 7.2.2 Key features in the landscape which would need to be crossed by the CSLR Scheme include the River Petteril, the River Caldew, the West Coast Main Line and Cumbrian Coast Line railways (see plan at **Appendix 1**).
- 7.2.3 There is also a high-pressure gas main (which would need to be diverted) and high voltage power lines (which would not be affected by the CSLR Scheme).
- 7.2.4 The land immediately adjacent to the River Caldew comprises rough grassland, gravel banks and agricultural land. The CSLR Scheme would include a 3-span structure to cross the River Caldew and adjacent Cumbrian Coast Line railway. The 3-span design will minimise land take in this area, with land only being permanently acquired for the footprint of the abutments and piers.
- 7.2.5 The Council manages and maintains all of the public highways directly affected by the CSLR Scheme except for the M6 Motorway and the A595/A689 at Newby West. The Council-managed roads include the A6 London Road, the A595 Wigton Road (north-east of Newby West Roundabout), Peter Lane, Dalston Road, Buckabank Road, Durdar Road, Ivegill Road, Scalegate Road, Burthwaite Road, Wreay Road, Brisco Road and Newbiggin Road. These roads would all need to be adapted to connect to the CSLR Scheme either

via roundabouts or other appropriate junction layouts – these adaptations would be secured by the SRO (see Section 15.2).

- 7.2.6 The A595 and the A689 at Newby West (including the Newby West roundabout) are managed by Connect Roads as part of a PFI contract with the Council relating to the CNDR network. However, the Council remains the Highway Authority for these roads. Highways England manages and maintains the M6 Motorway and slip roads onto and off the M6 Motorway at Junction 42. However, the circulatory carriageway at Junction 42 is maintained by the Council. The northbound diverge slip road (leaving the motorway) would need to be adapted to provide an improved connection to the new classified road comprised in the CSLR Scheme (again to be secured by the SRO).

7.3 Existing Highway Arrangements

- 7.3.1 The CSLR Scheme would result in a number of alterations being made to existing highways, with all such alterations being secured by the SRO. The key routes that would be affected by the SRO works are as follows: the A689 at Newby West Roundabout, the A595 Wigton Road at Newby West Roundabout, Peter Lane, Dalston Road, Buckabank Road, Durdar Road, Ivegill Road, Scalegate Road, Burthwaite Road, Wreay Road, Brisco Road, Newbiggin Road and the slip road at the M6 Motorway Junction 42 interchange. The details of the SRO are discussed further in Section 15 of this Statement.

7.4 Works to Watercourses

- 7.4.1 The CSLR Scheme would involve the diversion of or works being carried out to a number of watercourses, namely:
- Fairy Beck to the east and to the west of Newby West Roundabout;
 - Un-named watercourse on the west side of Cummersdale Roundabout;
 - Un-named watercourse under the new classified road and running parallel with and to the east of Dalston Road;
 - Calflins Beck south of Durdar;
 - Un-named watercourse under the new classified road east of Redcat Roundabout; and
 - Two outfalls into Woodside Beck south of Brisco Roundabout.

7.5 Full CSLR Scheme Details

7.5.1 **Standard**

- 7.5.2 The CSLR Scheme would provide an 8.1km length of new single carriageway highway, connecting the A595/A689 junction at Newby West Roundabout to Junction 42 of the M6 Motorway. There would be multiple sections of carriageway which would include an additional single overtaking lane for traffic travelling in one given direction.

7.5.3 **Junctions**

7.5.4 The CSLR Scheme would also deliver 7 new or modified road junctions (including roundabouts) linking existing radial routes into Carlisle with the proposed St Cuthbert's Garden Village.

7.5.5 The new classified road would pass through five roundabouts, one of which would be the existing Newby West Roundabout which would be improved to accommodate the CSLR Scheme. These roundabouts would connect the new classified road to a number of existing classified roads. The four new roundabouts would be:

- Cummersdale Roundabout – A four arm roundabout connecting the new classified road to the existing B5299 (Dalston Road).
- Durdar Roundabout – A four arm roundabout connecting the new classified road to the existing C1014 (Buckabank Road).
- Redcat Roundabout – A four arm roundabout connecting the new classified road to the existing C1037 (Scalegate Road to the north, Burthwaite Road to the south).
- Brisco Roundabout – A four arm roundabout connecting the new classified road to the existing C1041 (Brisco Road to the north, Wreay Road to the south).

7.5.6 **Bridges**

7.5.7 The CSLR Scheme would deliver nine new bridges in total, four of which would be road bridges, four of which would be shared use pedestrian/cycle bridges, whilst one would be an accommodation bridge, providing a public right of way and access to land and premises.

7.5.8 The nine new bridges would be:

- Wigton Road Bridge – A single span shared use bridge connecting the new Shared Path to an existing shared path to the north of the A689.
- Dalston Road Bridge – A single span shared use bridge carrying the new Shared Path over the B5299 (Dalston Road).
- Caldew Bridge – A three span road bridge carrying the new classified road over the River Caldew and the Cumbrian Coast Line railway.
- Peastree Accommodation Bridge – A single span accommodation bridge for Peastree Farm, but which would also carry an existing public right of way.
- Buckabank Bridge – A single span bridge carrying the new Shared Path over the C1014 (Buckabank Road).
- Durdar Road Bridge – A single span road bridge carrying the C1036 over the new classified road.
- Brisco Road Bridge – A single span shared use bridge carrying the new Shared Path over the new classified road.
- Brisco Railway Bridge – A single span road bridge carrying the new classified road over the West Coast Mainline railway.
- Petteril Bridge – A single span road bridge carrying the new classified road over the River Petteril.

7.5.9 **Footpaths and cycle tracks**

- 7.5.10 The CSLR Scheme includes the construction and connection of a network of non-motorised user routes, comprising footpaths and cycle tracks (with a right of way on foot) (as well as cycleways and footways within the highway boundary of the new classified road) and rationalisation of the existing public rights of way network to facilitate the new classified road, including the creation of the Shared Path.
- 7.5.11 The Shared Path would comprise a 3m-wide shared-use facility for pedestrians and cyclists and would run along the entire length of the new classified road, north of the carriageway on the Carlisle side of the route i.e. on the northern side of the classified road.
- 7.5.12 At the western end of the Shared Path, a link would be provided to the existing CNDR shared-use path. East-west overbridges would be provided north of the Newby West, Cummersdale and Durdar Roundabouts to allow pedestrians and cyclists to continue their journeys without having to cross these roundabouts 'at-grade'. The Shared Path would cross Brisco Road and Burthwaite/Scalegate Roads 'at-grade' and would continue to run in parallel with the carriageway of (and within the highway boundary of) the new classified road to its eastern-most point where it would meet Junction 42 of the M6 Motorway.
- 7.5.13 The Shared Path would also facilitate a new connection with the Cumbria Way/National Cycle Route at a point to the north of the road, in the Caldew valley.
- 7.5.14 The detailed proposals for pedestrian and cycle facilities comprise the following:
- A new Shared Path within the northern verge, on the north side of the carriageway of, the new classified road, over the full length of the road.
 - A new shared-use route for pedestrians and cyclists to link the western end of Peter Lane to the Shared Path.
 - A new shared-use route for pedestrians and cyclists along the western verge of Dalston Road to provide a connection from the Shared Path to the Cloverfield Estate housing development.
 - A new shared-use route for pedestrians and cyclists, creating a circular route between the Shared Path, Dalston Road, and Grace Lane.
 - A length of new footpath replacing a stopped-up length of footpath number FP111005, and linking the CSLR Scheme to Cummersdale.
 - A new footway on the south side of the carriageway of the new classified road, linking the southern length of footpath number FP111005 / FP114053 with the new shared-use route for pedestrians and cyclists at Cummersdale Roundabout.
 - A new shared-use route for pedestrians and cyclists to connect the CSLR Scheme to the existing informal path network on the west bank of the river Caldew, and to link to Cummersdale via the existing footpath No. FP111004 and the U1162 Caldew Road.
 - New lengths of footpath in the Caldew valley to replace stopped-up lengths of footpaths numbered FP1110006, FP114018, FP129001 and FP129005.
 - A new length of footpath to the south-west of Peastree Farm to replace a stopped-up length of footpath number FP129004.

- A new length of footpath to the south-east of Peastree Farm to replace a stopped-up length of footpath number FP129003.
- A new shared-use route for pedestrians and cyclists to connect the U1151 to the CSLR Scheme at the proposed Durdar Roundabout.
- A new shared-use route for pedestrians and cyclists within the western verge of the new link road connecting the proposed Durdar Roundabout to Durdar Road.
- Improvements to the existing footway along the eastern side of Durdar Road.
- A new shared-use route for pedestrians and cyclists in the eastern verge of Durdar Road, extending from the junction with Newbiggin Road to Stoneraise School.
- A new shared-use route for pedestrians and cyclists in the eastern verge of the CSLR Scheme from the proposed Redcat Roundabout to Newbiggin Road.
- A new length of footpath to pass beneath the proposed Petteril Bridge, replacing a length of existing footpath number FP129017 which is to be stopped-up.
- A new length of footpath to connect existing footpaths FP129017 and FP129032 by the old Petteril Bridge (C1014 Newbiggin Road).
- A new shared-use route for pedestrians and cyclists in the western verge of the existing A6.

7.5.15 **New private means of access**

7.5.16 The CSLR Scheme would provide approximately 40 new private means of access to farmland and properties, access to which would otherwise be severed by the CSLR Scheme. The majority of these private means of access would be gated, accessed directly from the edge of the adopted highway; however, some would be accessed via new tracks across land owned by a third party. These new access tracks would be as follows:

- A 660m long access track from Cummersdale Roundabout towards the A595 to provide access to Kingrigg and woodland southwest of Peter Lane (new access Reference 6 in Schedule 1 to the SRO).
- A 575m long farm track from Cummersdale Roundabout, to access fields to the south-west of the new classified road, in a generally easterly direction towards the Caldw River (new access Reference 12h in Schedule 2 to the SRO).
- A 555m long farm track from the eastern end of Grace Lane to access fields to the north-east of the new classified road in a generally south-easterly direction towards the Caldw River (new access Reference 12g in Schedule 2 to the SRO).
- A 240m long access track from the eastern end of the U1162 Caldw Road to a Network Rail compound and to an existing track, then following the River Caldw in a generally southerly direction. This track would also serve as an access route for the Council to maintain a new drainage pond (new access Reference 13b in Schedule 3 to the SRO).
- 90m and 105m long access tracks from the proposed link road east of Durdar Roundabout to access Peastree farm (new accesses Reference 14a and Reference 14b to Schedule 4 to the SRO).

- 45m and 105m long access tracks from the proposed link road east of Durdar Roundabout to access Floses Farm (new accesses Reference 15a and Reference 15b in Schedule 4 to the SRO).
- A 330m long farm track heading in a generally easterly direction from Redcat Roundabout to access fields to the south of the new classified road (new access Reference 33 in Schedule 5 to the SRO).
- A 640m long access track heading west from Brisco Roundabout to provide access to various fields, properties and an existing private track to the south of the new classified road. This track would also serve as an access route for the Council to maintain a new drainage pond (new access Reference 34 in Schedule 5 to the SRO).
- A 290m long access track heading west from the U1233 to provide access to fields south of the new classified road and west of the West Coast Mainline railway. This track would also serve as an access route for the Council to maintain a drainage pond (new access Reference 37 in Schedule 6 to the SRO).
- A 275m long access track from Newbiggin Road to provide access to fields to the north of the new classified road, and to provide access to the West Coast Mainline railway for Network Rail (new access Reference 38 in Schedule 6 to the SRO).
- A 230m long farm track heading north from the improved C1014 Newbiggin Road (off the U1233) to provide access to fields north of the new classified road and east of the West Coast Mainline (new access Reference 41 in Schedule 6 to the SRO).
- A 140m long access track from the improved C1014 Newbiggin Road (off the U1233), to provide access to fields to the east of the River Petheril, and to access an existing track to a Telecoms mast compound and an existing track heading under the M6 Motorway. This track would also serve as part of an access route for the Council to maintain a new drainage pond (new accesses Reference 42 and Reference 43 in Schedule 6 to the SRO).

7.5.17 **Drainage**

7.5.18 The surface water run-off from the carriageway of the new classified road would be drained to a number of new ponds which would be provided as part of the CSLR Scheme along the length of its route. There would be eight new drainage ponds in total, four of which have been identified as having potential for amenity value, providing recreational space for existing residents of Carlisle and new residents of St Cuthbert's Garden Village. The eight new ponds would be located:

- Immediately north of the mainline of the CSLR Scheme, to the east of the Newby West Roundabout, draining into Fairy Beck (Pond A).
- Immediately north of the mainline of the CSLR Scheme, to the west of Cummersdale Roundabout, draining into a ditch and ultimately feeding into Fairy Beck (Pond B).
- Approximately 0.5km north of the Caldew Bridge at Cummersdale, immediately to the west of the River Caldew, draining into the River Caldew (Pond C).

- Immediately south of the mainline of the CSLR Scheme, to the east of the Caldew Bridge, draining into the River Caldew (Pond D).
- Immediately south of the mainline of the CSLR Scheme, approximately 0.5km west of the Brisco Roundabout, draining into Woodside Beck (Pond E).
- Immediately south-west of the Brisco Railway Bridge, draining into Woodside Beck (Pond F).
- Immediately south of the mainline of the CSLR Scheme, approximately half way between the Brisco Railway Bridge and Petteril Bridge, draining into the River Petteril (Pond G).
- Immediately south of the mainline of the CSLR Scheme, to the east of the Petteril Bridge, draining into the River Petteril (Pond H).

7.5.19 **Landscaping**

7.5.20 Overall, the proposed landscape design has been informed by the findings of the Environmental Impact Assessment and, in particular, has been designed in response to the existing landscape character and ecological strengths of the site and the local environment.

7.5.21 In addition to mitigating the environmental effects of the CSLR Scheme and providing opportunities for further enhancement, the proposals aim to provide Environmental Net Gain, in accordance with the Government's 25 Year Plan: "A Green Future: Our 25 Year Plan to Improve the Environment" (published by the Department for Environment, Food and Rural Affairs in January 2018; and last updated in May 2019).

7.5.22 In addition to celebrating the existing character of the landscape, the landscape design proposals maximise an opportunity to create an enhanced sense of place that can be linked to the subsequent St Cuthbert's Garden Village development. For example, proposed enhancements include artwork in key gateway locations (such as roundabouts and the Caldew Valley), which celebrate the history and culture of the area. Several of the attenuation ponds have also been designed to become public open spaces, with sensitively designed informal paths, timber seating and information boards relating to the wildlife.

7.5.23 The landscape design includes various planting types, including:

- Grasslands – including amenity seed mixes for visibility splays, various different species rich meadow seed mixes for different microclimates and seed mixes for agricultural reinstatement;
- Shrub – native shrub species used both in blocks on their own as well as understorey to woodland mixes;
- Woodland – both broadleaf and mixed species rich woodland mixes, with a shrub understorey layer to most mixes to provide visual screening and cover and a food source for wildlife;
- Hedgerows – various species rich, native hedgerow mixes;
- Individual trees – both semi-mature (5-5.5m high) and standard (2.5-3m high) native tree species within proposed hedgerows, on cuttings and embankments and around proposed ponds;
- Wetland – marginal species, submerged and floating species which will provide varied habitat and water purifying qualities within the attenuation ponds;

- Scrub – native dense scrub and scrub and scattered trees in the Caldey Valley; and
 - Ornamental Planting – in key locations, e.g. roundabouts, more ornamental mixes of wildflowers, perennials, grasses and shrubs to extend seasonal interest, providing colour, texture and structure throughout the year.
- 7.5.24 Where possible, engineered slopes around the new road will be graded out to a 1:10 gradient and the hedgerows will be as close to the carriageway as is practical. The aims underlying the proposed design are:
- to minimise the impacts of the new road corridor on a landscape where existing narrow, rural roads are an important landscape characteristic;
 - to return more land back to agricultural use following delivery of the CSLR Scheme; and
 - to design the earthworks sensitively within the natural topography.
- 7.5.25 Design of proposed Sustainable Drainage Systems within the CSLR Scheme includes attenuation ponds, which will retain water from surface run off from the new highway and cater for stormwater events. These areas have been designed to have multifunctional benefits, from providing water attenuation, capturing and removing pollutants from the water system, providing varied habitats and food sources for wildlife and in some areas, providing recreational and educational benefits for people.
- 7.5.26 The design of the new bridges (within the CSLR Scheme) is considered to mitigate the impact of the introduction of large urban features into a predominantly rural landscape. The bridges have been designed to have a slender form and open spans. Locally sourced, sandstone masonry cladding has been proposed for the substructures of the bridges to ensure that the designs respond to the local vernacular of the area and create a sense of local distinctiveness and identity. The use of sandstone and weathering steel also help to ensure that the bridges are less visually prominent in the landscape, as the muted colour palette will reduce the dominance of these features. Good design and use of quality materials for these new structures also help to establish a sense of local pride in these areas and to celebrate some of the key characteristics of the landscape.
- 7.5.27 For further details of the proposed landscape design, please refer to the following planning application documents:
- Landscape Strategy (CSLR-CAP-ELS-00-RP-L-3001)
 - Landscape Plans (CSLR-CAP-ELS-00-DR-L-3101 to 3103)
 - Planting Details (CSLR-CAP-ELS-XX-DR-L-3201 and 3202)
 - Appendix 17.1 Mitigation Schedule.

7.6 CSLR Route Description

- 7.6.1 A full description of the route, divided by chainage (distance along the road, as marked on the General Arrangement drawings submitted with the CSLR Scheme planning application), is provided as follows.
- 7.6.2 Chainage 0-300m: Minor realignment of the CNDR at the western end of the CSLR Scheme, to tie the CNDR into the CSLR mainline (“the new classified road”).

- 7.6.3 Chainage 300-600m: The southernmost section of the CNDR would be realigned to a slightly more southerly alignment on its immediate approach to the A595/A689 Newby West Roundabout. The roundabout would be enlarged to accommodate additional traffic flows. A new shared-use pedestrian and cycle bridge (with ramps) would be provided over the A595 on the northern/Carlisle side of the roundabout.
- 7.6.4 Chainage 600-1600m: From the enlarged A595/A689 Newby West Roundabout, the new classified road runs in cutting in a south-easterly direction through agricultural land and woodland. Residential properties (currently under construction) sit approximately 250m to the north of this length of the new classified road. At chainage 1600m a new four arm roundabout (Cummersdale Roundabout) would accommodate the junction of the new classified road with the existing B5299 (Dalston Road). A new shared-use pedestrian and cycle bridge (with ramps) would be provided over the B5299 on the northern/Carlisle side of the new Cummersdale Roundabout, from where it would continue along the northern side of the carriageway of the new classified road. From chainage 1650 a new footway on the south side of the carriageway of the new classified road would link footpath number FP111005 / FP114053 with the new shared-use route at Cummersdale Roundabout.
- 7.6.5 Chainage 1600-2950m: The new classified road would continue in cutting in a south-easterly direction, crossing predominantly agricultural land. The depth of cutting increases from chainage 2600m as the road drops towards the River Caldew. The village of Cummersdale lies approximately 500m to the north on an area of elevated land. To the south of the route, the land rises gradually to a high point at Brow Nelson. At chainage 2900m, a new 500m long shared-use pedestrian and cycle path heads to the north-east to connect with the Cumbria Way/National Cycle Route 7.
- 7.6.6 Chainage 2950-4100m: A large bridge structure would be constructed to span both the River Caldew and Cumbrian Coast Railway Line (a span of approximately 180m). Beyond this, the new classified road would continue on embankment to the southern edge of the River Caldew valley at chainage 3400m. At chainage 3950m, a new accommodation overbridge would be constructed to provide access to agricultural units. The new classified road would then continue in a south-easterly direction in a large cutting to chainage 4100m.
- 7.6.7 Chainage 4100-5900m: The new classified road would remain in a cutting for a further 200m before sweeping left (in an easterly direction) to accommodate a new four-arm roundabout junction (Durdar Roundabout) to the north of the existing Buckabank Road (at chainage 4300m). From the northern arm of the new Durdar Roundabout, a new link road ("the Durdar Link Road") would sweep across agricultural land for approximately 700m before joining onto Durdar Road. A new shared-use pedestrian and cycle bridge (with ramps) would be provided over the Durdar Link Road, immediately north-east of the new Durdar Roundabout. The route of the new classified road would then continue in a southerly direction in cutting, before sweeping east to cross the existing Durdar Road at chainage 5100m. A new overbridge would carry the existing Durdar Road over the new classified road. Beyond this, the new classified road would continue eastwards, generally at existing ground level, approximately 330m south of the existing C1014 Newbiggin Road. The new classified road would be surrounded by a mixture of agricultural land and woodland, with the village of Durdar lying approximately 350m to its north.
- 7.6.8 Chainage 5900-7300m: A new four arm roundabout (Redcat Roundabout) would be provided at the junction of the new classified road with Scalegate Road (chainage 5900m).

To the north of the new Redcat Roundabout, Scalegate Road would be realigned and the priority of its junction with Newbiggin Road would be changed. The new classified road would then continue in an easterly direction on a small embankment, running parallel to the existing C1014 Newbiggin Road for approximately 1400m. Another new four-arm roundabout (Brisco Roundabout) would be provided at the junction of the new classified road with Brisco Road (at chainage 7300m). A new shared-use pedestrian and cycle bridge (with ramps) would be provided over the new classified road at chainage 7150m. The priority of the existing crossroad, where Brisco Road meets the C1014 Newbiggin Road, would be changed.

- 7.6.9 Chainage 7300-8754m: The new classified road would continue on a small embankment for a further 500m, crossing the West Coast Main Line railway via a new overbridge structure (at chainage 7850m). The existing railway bridge to the south of the route would be retained for local access. The new classified road would then continue with a mix of embankment and cutting for another 400m before rising onto embankment and then crossing the River Petteril on a new bridge (at chainage 8400m). Beyond this, the route would continue on a large embankment to link into Junction 42 of the M6 Motorway (Golden Fleece Interchange). A new highway link to Newbiggin Hall and Wreay Woods would be provided from the south side of new classified road (at chainage 8230).
- 7.6.10 The new Shared Path, typically 3.0m wide with a 1.5m wide verge, would be provided on the north side of the carriageway of the new classified road, throughout its length. Earthwork slopes would be provided from the back of the verge to interface with existing ground levels and/or retaining features as required.
- 7.6.11 The new classified road would have street lighting on the approach to all roundabouts with signs, road restraints systems and fencing where required in accordance with current design standards.
- 7.6.12 In addition, works would be undertaken on Peter Lane and Newbiggin Road to improve existing footway/cycle infrastructure and to help reduce vehicle speeds.

8 Alternatives

8.1 Introduction

8.1.1 In the early stages of the CSLR Scheme development process, working closely with the City Council, the Council undertook an assessment of what strategic infrastructure solutions would be required to meet the scheme objectives of (1) supporting development at South Carlisle and unlocking the proposed St Cuthbert's Garden Village; (2) reducing congestion on southern radial routes and in the city centre; and (3) supporting east-west movements recognising the constraints to travel in Carlisle by the limited crossings of the river Caldew. This assessment was carried out in two separate stages and in accordance with the Transport Analysis Guidance ("**TAG**") published by the Department for Transport.

8.2 TAG Stage 1

8.2.1 This stage comprised two separate elements. First, it considered alternative ways to meet the objectives. Secondly, it considered route options for a road scheme, having identified a road scheme as the best way of meeting the objectives.

Alternative ways of meeting the objectives

8.2.2 This stage identified the need for intervention and considered a range of alternative potential intervention options to address the need. The potential options were::

- On-line highway capacity improvements;
- Sustainable transport improvements;
- Park and Ride;
- Light rail; and
- A new road scheme.

8.2.3 A sifting exercise was undertaken to assess these alternatives. The schemes were assessed using the Department for Transport's Early Assessment and Sifting Tool (EAST). EAST is a decision-making support tool to quickly summarise and present evidence on options in a clear and consistent format. It does not make recommendations on preferred schemes but helps to refine options by highlighting the relative strengths and weaknesses of schemes, such as how they meet objectives or inherent assumptions or uncertainties.

8.2.4 The sifting exercise discarded the following options:

- On-line highway capacity improvements: mainly due to deliverability concerns at certain junctions and because capacity improvements could increase traffic flow to the city centre which would have negative impacts for residents along this route. In addition, this option would not meet all of the scheme objectives;
- Sustainable transport improvements: mainly due to the level of anticipated benefits being modest and a failure to support development at south Carlisle without further intervention. This option would not meet all of the scheme objectives. However, it

was recognised that this option would encourage sustainable transport and had the potential to reduce congestion on the radial routes.

- Park and ride: mainly due to the uncertainty surrounding the potential effectiveness and commercial viability of this option. In addition, this option would not meet all of the scheme objectives. It was recognised that this option would encourage sustainable transport and had the potential to reduce congestion on the radial routes.
- Light rail: mainly due to the overwhelming uncertainty surrounding this option and the fact it would not meet all of the scheme objectives. It was recognised that this option would encourage sustainable transport and had the potential to reduce congestion on the radial routes. However, there was no available evidence to support the effectiveness of the option, whether it would be affordable or deliverable given the constraints of the existing rail infrastructure

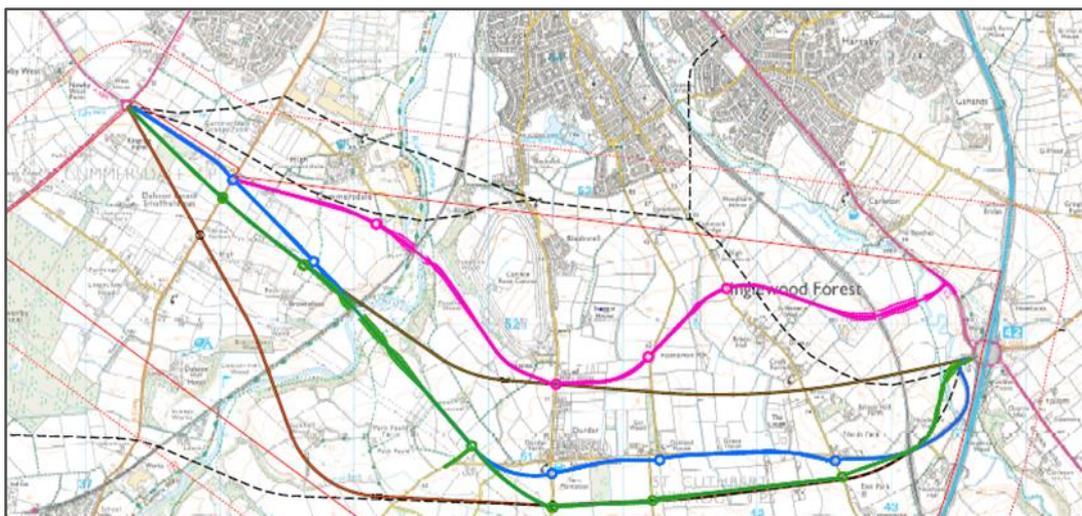
8.2.5 The options appraisal work concluded that a new road from Junction 42 of the M6 Motorway to the A595/A689 junction at Peter Lane was the preferred option and capable of creating the capacity needed to unlock the development potential to the south of the city and to meet the remaining scheme objectives.

8.2.6 However, it was also recommended that the potential to implement some or all of the sustainable transport improvements option should also be investigated to improve the sustainability and accessibility of St Cuthbert's Garden Village. The precise nature of these improvements would need to be developed alongside any future masterplan for the area.

Alternative road schemes

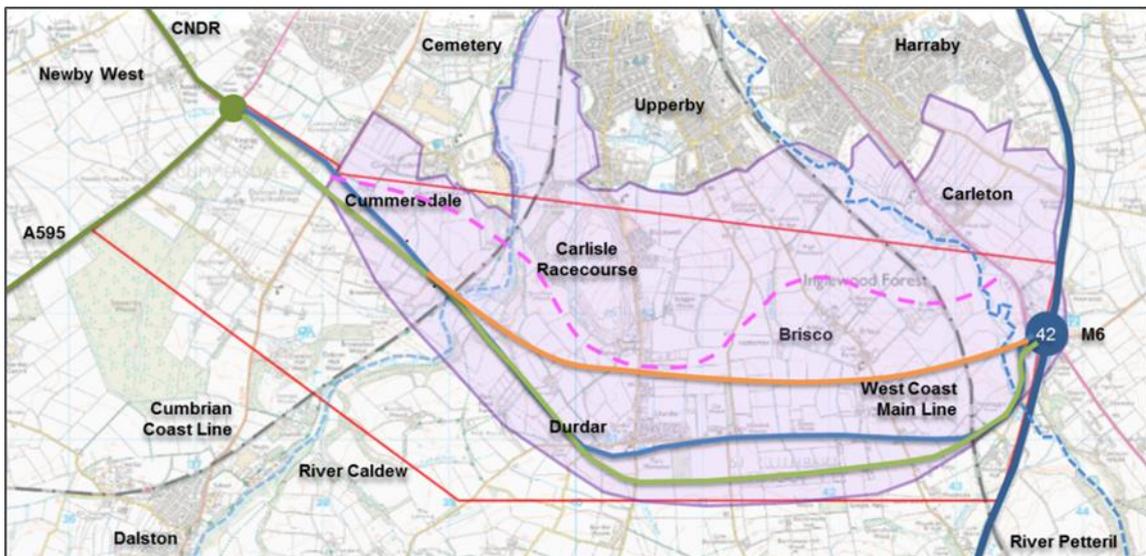
8.2.7 Stage 1 then, having identified the new road scheme as the best option, considered five potential route options, all within a broad corridor to the south of the city. These were detailed in the Stage 1 TAG Report and are shown in **Figure 6**.

Figure 6: Initial Route Options Considered



- 8.2.8 Following the development of an updated list of project objectives, including the need to account for the emerging vision of St Cuthbert's Garden Village, an addendum to the 2016 Stage 1 TAG Report was produced.
- 8.2.9 The initial sift of the route options was also repeated using the new project objectives to identify any 'showstoppers' which were likely to prevent a route option progressing at a subsequent and more detailed stage in the process. Options were discounted that:
- would clearly fail to meet the key objectives identified for intervention;
 - did not fit with existing local, regional and national programmes and strategies, and do not fit with wider Government priorities; and
 - would be unlikely to pass key viability and acceptability criteria (or represent significant risk) in that they are unlikely to be:
 - deliverable in a particular economic, environmental, geographical or social context e.g. options which would result in severe adverse environmental impacts which cannot be mitigated against or where the cost of doing so is too high;
 - technically sound;
 - financially affordable; and
 - acceptable to stakeholders and the public.
- 8.2.10 The conclusion of the TAG Stage 1 assessment was to carry forward three routes into Stage 2, which were described at that time as the Green, Blue and Orange routes (see **Figure 7** below; the Pink route (shown by a pink dashed line) was not taken forward into Stage 2).

Figure 7: Routes Developed Further



8.3 TAG Stage 2 Further Options Appraisal

- 8.3.1 This stage then involved the appraisal of each of the Orange, Green and Blue routes. The Orange and Green routes would cross largely agricultural land whereas the Blue route would cross agricultural land but also make maximum use of existing infrastructure within the identified corridor.
- 8.3.2 The Orange route was developed to use the most direct alignment possible without crossing Carlisle Racecourse.
- 8.3.3 In Stage 2, the Green route was developed to reduce the environmental impact of any route option at the southern extent of the corridor identified for a road scheme by avoiding the deep cuttings required by [the Stage 1 Green/Red route over its westerly section] as it crosses the high ground at Blackhall Wood and High Brownelson.
- 8.3.4 The Blue route was developed to maximise the reuse of existing infrastructure.

Further Options Appraisal

- 8.3.5 Following further development work, the Blue route was discounted at an early stage as the existing alignment of Newbiggin Road and the tie-in to Junction 42 of the M6 Motorway was not to an acceptable design standard. The Blue route also resulted in significant impact on the properties fronting Newbiggin Road.
- 8.3.6 The Green and Orange route options were then developed in further detail and were presented to the public as part of a 6-week consultation in early 2018 (see detail in Section 9). In order to select a preferred route option a decision-making framework was used comprising six main topic areas (each supported by technical reports):
- Strategic objectives;
 - Stakeholder feedback;
 - Environmental assessment;
 - Engineering assessment;
 - Economic assessment; and
 - Deliverability assessment.
- 8.3.7 The Green route scored the highest after applying the scoring criteria in the decision-making framework and this was also the public's own preferred route option. The Green route was therefore recommended as the preferred route.

Preferred Route

- 8.3.8 The Council selected the Green route as the preferred route in June 2018, following which the CSLR Scheme then entered the preliminary design phase whereby the road was developed to a sufficient level of detail to enable the submission of a planning application.
- 8.3.9 During this phase, engineering and environmental elements were prepared following a range of surveys undertaken, investigation and consultation with landowners and other interest groups (see Section 9 of this Statement for further details).

- 8.3.10 Furthermore, a number of modifications were made to improve the design and reflect the feedback received. The refined preferred route was subsequently presented for comment during the pre-planning public consultation held in June 2019.
- 8.3.11 The pre-planning consultation feedback demonstrated that the principle of the proposal and the proposed route continued to attract a high level of support. Following the consultation, suggestions and feedback were reviewed, and the route was further modified again.

Alternatives to compulsory purchase

- 8.3.12 As explained more fully below in Section 14 of this Statement, the Council considers that compulsory purchase powers will be necessary to enable the assembly of the land required for the CSLR Scheme, thereby facilitating delivery of the CSLR Scheme within the requisite timescale.
- 8.3.13 Every effort will be made to acquire land and rights over land by agreement (save where the ownership of land cannot be ascertained, such that compulsory purchase is the only solution); however, the number of land parcels and the disparity of ownership which are inevitably associated with a long linear project such as the CSLR Scheme mean that compulsory purchase powers are likely to be necessary to ensure that all of the land required can be secured in a timely manner. This is recognised in the CPO Guidance, which acknowledges that “*given the amount of time required to complete the compulsory purchase process*” it may be necessary, “*as a contingency measure*” for “*the acquiring authority to plan a compulsory purchase timetable*” and “*initiate formal [CPO] procedures*” in parallel with negotiations to acquire land by agreement.
- 8.3.14 The nature of a linear scheme is such that opportunities to minimise the impacts of land take are necessarily constrained by the fact that certain land ownerships and land parcels will inevitably be crossed by the proposed highway alignment, once that has been selected through the options appraisal process (as outlined above). Ultimately, with a linear scheme, the majority of land parcels are required as a matter of necessity, as determined by the route of the scheme. This is indeed the case in relation to the CSLR Scheme.
- 8.3.15 Given the above, the Council has concluded that there is no feasible or available alternative way of delivering the CSLR Scheme without the need for the acquisition of land owned by third parties. The acquisition of third party land is fundamental to the successful delivery of the CSLR Scheme; as such, there is no reasonable alternative to the acquisition of land, whether such acquisition is effected compulsorily or by agreement.

8.4 Conclusion

- 8.4.1 In summary, numerous alternatives to a road scheme were considered and then, having determined that a road scheme was required, alternative routes for the CSLR Scheme were considered.
- 8.4.2 The selection of the preferred route (the current CSLR Scheme and which was based on the Green route) was completed following significant development and assessment work, including stakeholder and public consultations and input.
- 8.4.3 It was clear from this comprehensive options appraisal process that none of the alternative solutions would be capable of achieving the identified scheme objectives and delivering the resultant benefits better than, or on an equivalent basis to, the CSLR Scheme.

8.4.4 Equally, as the acquisition of third party land is fundamental to the successful delivery of the Scheme, there is no reasonable alternative to the acquisition of land, whether such acquisition is effected compulsorily or by agreement.

9 Consultation, Engagement and Support for the CSLR Scheme

9.1 Introduction

9.1.1 This Section summarises the extent of stakeholder engagement and consultation undertaken to date on the CSLR Scheme and the level of support for the CSLR Scheme.

9.1.2 Consultation has been integral to the development of the CSLR Scheme to date. Early and ongoing engagement with a wide range of stakeholders has informed and influenced the development process. Key objectives of the engagement have been to:

- seek feedback at each stage in the iterative design process and ensure that comments received are taken into consideration insofar as it has been possible and reasonably practicable;
- build long-term relationships with key stakeholders including landowners throughout the different stages of the CSLR Scheme to help better understand their views;
- address concerns, where possible and practicable; and
- ensure statutory consultation has been undertaken to an appropriate level for planning purposes.

9.2 Government Support – January 2017 onwards

9.2.1 The MHCLG are fully supportive of the St Cuthbert's Garden Village proposal as shown by the inclusion of it in their Garden Communities Programme in January 2017 in full recognition that delivery is dependent upon the implementation of the CSLR Scheme.

9.2.2 However the clearest indication of MHCLG's support for the CSLR Scheme is through the approval of the Council's HIF application in February 2019 for the £102million to fund a substantial part of its delivery costs (further details of which are in Section 5). Further support has been demonstrated by MHCLG's agreement to provide an additional £32m of funding. As part of the negotiations with Homes England on the GDA, there has been discussion in relation to the impacts of Covid-19 on the scheme delivery timescales as well as options for accelerating delivery to support economic recovery. The initial proposal was to extend the HIF Expenditure date from March 2024 to March 2025. However, in order to support fiscal stimulus, the Council was asked to put forward a proposal that would ensure delivery for March 2024. On 9 June 2020, a 'fast-track' proposal was submitted to Homes England for an additional £32m to cover the funding shortfall (£24.7m) and to accelerate delivery (£7.3m).

9.2.3 Homes England, the Government's housing agency sponsored by the MHCLG, are financially and technically supportive of the masterplanning and vision of St Cuthbert's Garden Village, again on the basis that delivery is dependent upon the CSLR Scheme.

9.3 Consultation on walking, cycling and horse riding – July 2017 onwards

- 9.3.1 Extensive consultation and engagement with stakeholders regarding walking, cycling and horse riding has taken place.
- 9.3.2 A Regulatory Stakeholder workshop for statutory consultees was held in July 2017, with representatives from the City Council and Council in relation to outdoor access and recreation.
- 9.3.3 Access workshops were held in October 2017 and November 2017 with the Council's PRoW and Cycling Officers in order to gain local knowledge from the Council officers regarding routes and their usage within the study area.
- 9.3.4 A further access workshop was then held in June 2018 with the design team and the Council's PRoW and Cycling officers, so that the Council officers were briefed on the preferred route option and design options discussed in order to best provide for pedestrians and cyclists.

9.4 Landowner Engagement – August 2017 onwards

- 9.4.1 Initial landowner dialogue and communications began in August 2017, when a letter was sent by the Council to all primary interests identified along the potential routes of the CSLR Scheme that were being investigated at the time (the Green, Orange and Blue routes as identified in Section 8 above).
- 9.4.2 A chronological overview of the Council's engagement with landowners in relation to the CSLR Scheme to date is set out in **Table 2** below.
- 9.4.3 The Council is now engaging with all landowners with a view to acquiring their land or interests in land by agreement - see Section 10 of this Statement.

Table 2: Record of Communication Activities

Type of contact	Reason for contact	Form of Dialogue/ Correspondence	Date
Request for permission for access for Surveys/ Arrangements for surveys	Surveys	Phone calls/texts/e-mails	August 2017
Invitation to Route Options Consultation	Consultation	Letter	January 2018
Preferred Route Announcement June 2018	Update	Letter	June 2018
Request for permission for access for Surveys/ Arrangements for surveys	Surveys	Phone calls/texts/e-mails	July to Dec 2018 and January 2019
Update on the Scheme	Update	Meetings	July/August 2018

Type of contact	Reason for contact	Form of Dialogue/ Correspondence	Date
Phase 1 Ground Investigation Notice	Surveys	Letters	September/ October 2018
Arrangements for Ground Investigation Phase 1 Access	Surveys	Meetings	September/ October 2018
Progress Update on the Scheme	Update	Meetings	October 2018
Ground Investigation Phase 1 Compensation	Compensation	E-mails	January/ February 2019
Request for Access for non-intrusive walkover surveys January to August 2019 and Permission Form	Surveys	Letter	January/ February 2019
Arrangements for Survey Access	Surveys	E-mails/texts/ phone calls	January to August 2019
Funding announcement	Update	Letter	February 2019
Farm Impact Assessment Meetings	Meetings	Minutes	March 2019
Phase 2 Ground Investigation Notice	Surveys	Letter	May 2019
Scheme Update Pre-Public Consultation	Update	Meetings	May/June 2019
Invitation to Preferred Route Consultation	Consultation	Letter	June 2019
Section 297 HA1980 / section 330 TCPA 1990 Formal Notice, Letters and Forms	Land referencing	Letter	June /July 2019
Ground Investigation Phase 2	Surveys	Meetings	July 2019
Ground Investigation Phase 2 Meeting Records and GI Plans	Surveys	E-mails	July 2019
Meetings with owners/occupiers of nearby properties not directly affected by the Scheme	Inform Design	Site Visits/Meetings	July-September 2019
Meetings with Land Agent representatives of landowners	Meetings	Meeting actions	October/ November 2019

Type of contact	Reason for contact	Form of Dialogue/ Correspondence	Date
Meetings with Land Agent representatives of landowners (planning application process)	Meetings	Meeting actions	January / February 2020
Letter to landowners providing update on progress of Scheme	Update	Letter	3 July 2020
Letter inviting landowners and occupiers to enter into negotiations with the Council for voluntary acquisition of land / interests in land	Land Acquisition	Letter	31 July 2020
Letter informing landowners and occupiers of the grant of planning permission for the CSLR Scheme	Update	Letter	October 2020
Meetings with Landowners and Land Agent representatives of landowners	Meetings – Land Acquisition and Accommodation Works	Meeting actions; draft accommodation works plans	October 2020 - January 2021
Letter to specific landowners (x 21) requesting information about existing drainage arrangements on land affected by the CSLR Scheme	Inform Design work in connection with planning conditions	Letter	21 December 2020
Letter to landowners and occupiers enclosing a presentation providing an update on progress with the CSLR Scheme and information about proposed future enabling works	Update – Land Acquisition and Accommodating Works	Letter	6 January 2021

9.5 Public Consultation – Round 1 – January 2018

9.5.1 The initial public consultation took place between 26 January and 9 March 2018. The consultation sought opinions on two potential route options: the Green route (to the south of Durdar) and the Orange route (to the north of Durdar) for the CSLR Scheme.

9.5.2 The main stakeholders identified for the project at this stage were:

- project delivery team;
- statutory consultees;
- landowners and those affected by the CSLR Scheme route options;
- interested organisations; and
- the general public.

- 9.5.3 All the above groups were invited to engage in the consultation.
- 9.5.4 As part of this, public consultation exhibitions were held at:
- Carlisle Racecourse: 2 - 3 February 2018; and
 - The Lanes Shopping Centre, central Carlisle: 9 – 10 February 2018.
- 9.5.5 Stakeholders were also engaged through briefings to MPs, councillors, businesses and committees, meetings with local landowners, local press releases, letters, leaflets, posters, a dedicated project website, social media posts, and via the dedicated project email address.
- 9.5.6 There were approximately 1,000 attendees at the public exhibition events primarily from Carlisle and the surrounding villages and 1,025 respondents to the questionnaire.
- 9.5.7 The overwhelming majority of people were in favour of the principle of the CSLR Scheme with 74% of questionnaire respondents supporting the principle of the CSLR Scheme (based on it being either the Green route or the Orange route) and 60% of people expressed a preference for the Green route over the Orange route.

Affected landowners

- 9.5.8 All affected landowners within 250m of the two potential route options (i.e. the Green and Orange routes) were contacted directly by letter. The 250m threshold was adopted on the basis that the effects of a new road scheme on land interests outside this area would generally reduce to a negligible level.
- 9.5.9 A large number of the landowners expressed concerns about the CSLR Scheme, primarily around the potential disruption the road would cause to their farms and businesses, and the environmental impact of the CSLR Scheme on residential properties nearby.
- 9.5.10 However, at the same time, positive comments were made about the potential benefits from the CSLR Scheme in terms of reducing traffic and accidents in local villages.
- 9.5.11 67% of the landowners expressed a preference for the Green route over the Orange route. As set out in Section 8 above, it is the Green route that became the preferred route and formed the basis of the route of the CSLR Scheme.

Statutory bodies

- 9.5.12 Parish councils, statutory consultees and other representatives were sent letters regarding the proposed CSLR Scheme. The City Council and Council as planning authorities and the Council as highway authority were also engaged throughout the development of the proposals.
- 9.5.13 Comments of support from statutory bodies for the CSLR Scheme included recognising the benefit to the growth of Carlisle but there were also comments on the need for more consideration of the potential impacts on the environment and heritage of the area and the potential impact on local villages such as Brisco, Durdar and Cummersdale.
- 9.5.14 Many statutory agencies reserved their judgment until the availability of further and more detailed information that would only be available at a more advanced stage in the process. This work has since been undertaken as part of the preparation of the planning application and the statutory agencies re-consulted – see Section 9.7 below.
- 9.5.15 Overall, 57% of statutory agencies preferred the Green route over the Orange route.

9.6 Stakeholder Support – HIF application – August 2018

9.6.1 Table 3 below summarises the support received from key stakeholders during the HIF application process in August and September 2018, demonstrating that there is a high level of enthusiasm to engage with and help deliver the CSLR Scheme.

Table 3: Supporters of the CSLR Scheme

CSLR Supporter	Reason for supporting the CSLR Scheme
Cumbria LEP	<p>A priority within the Cumbria Infrastructure Plan.</p> <p>Is critical to the development of St Cuthbert's Garden Village which will facilitate growth of Carlisle.</p> <p>Is essential to improving strategic east-west connectivity and opening up access to south Carlisle.</p> <p>Will facilitate additional strategic employment land enabling Carlisle to build on its strengths as a commercial, service, transport and education centre to deliver transformative growth.</p>
Carlisle City Council	<p>Is critical to maintaining momentum and the strong private sector support developed for the realisation of the vision for St Cuthbert's Garden Village.</p> <p>Underpins the ambitions of Cumbria LEP and the Borderlands Growth Deal by further strengthening and future-proofing an already thriving economy.</p>
Cumbria Chamber of Commerce	<p>Is essential to the delivery of St Cuthbert's Garden Village which will help deliver growth needed in working age population to meet current demand from employers and future effects of predicted tightening in labour market. It will also help sustain the services provided in Carlisle.</p> <p>Traffic congestion is cited as a problem by 62% of Cumbrian businesses with the CSLR Scheme identified as one of four projects that would ease congestion.</p>
Environment Agency	<p>Would provide significant economic and connectivity benefits.</p> <p>Close working has allowed the EA to influence the structures identified during concept design over the River Caldew and River Petteril.</p>
Highways England (HE)	<p>Accept the need for the road as an integral part of the infrastructure to support the delivery of St Cuthbert's Garden Village.</p>

CSLR Supporter	Reason for supporting the CSLR Scheme
Kingmoor Park Enterprise Zone	<p>Would strengthen the connectivity of the Enterprise Zone to the remainder of Carlisle and will create additional network resilience.</p> <p>Would increase confidence in Carlisle as a place to invest.</p> <p>Has a role in delivering St Cuthbert's Garden Village which will help attract the additional workforce required to sustain employment growth.</p>
Network Rail	<p>Would provide a strategic connection linking Junction 42 of the M6 Motorway and the A595 to the south of Carlisle.</p> <p>There are two railway crossings required along the route which, subject to the completion of regulatory process, appear to be viable.</p>
Pirelli	<p>Would be an 'enormous benefit' to Pirelli, our employees, suppliers and other local businesses for the following reasons;</p> <ol style="list-style-type: none"> 1. Considerably shorter and faster route to/from the M6 for all raw materials and finished goods which are currently transported north to Junction 44 before heading south. 2. Reduced emissions and carbon footprint. 3. Reduced transport costs associated with above. 4. Reduced volume of vehicles travelling down Dalston Road towards city centre adding to congestion.
Transport for the North	<p>Will contribute towards economic and housing growth objectives.</p> <p>Will provide a strategic link and access to Carlisle and M6/A69 from West Cumbria.</p> <p>Will strengthen strategic connectivity to the major investment in West Cumbria.</p>

9.7 Public Consultation – Round 2 – June 2019

9.7.1 A second round of public consultation took place in June 2019. This was after the Green route was announced as the preferred route in June 2018 and the Government announced in February 2019 that they would grant £102 million from the HIF towards the CSLR Scheme.

9.7.2 This second round of public consultation was based on the preliminary design of the preferred route and allowed the public to comment on and suggest improvements to the Green route in order to inform the design that would form the basis of the planning application.

- 9.7.3 As part of this public consultation drop-in events were held at:
- Carlisle Racecourse: 3rd – 4th June 2019;
 - The Lanes Shopping Centre, Carlisle: 21st – 22nd June 2019; and
 - Upperby Social Club, Lamb Street, Carlisle: 24th June 2019.
- 9.7.4 In addition to the drop-in events, online consultation was also undertaken between 31st May and 12th July 2019.
- 9.7.5 The results showed that over three quarters of respondents (77%) supported the principle of the CSLR Scheme. This represented a slight increase in support, when compared with the results of the first round of consultation, where 74% of respondents supported the principle of the CSLR Scheme.
- 9.7.6 All landowners directly affected by the Green route were invited to participate in the consultation; and, as might be expected, a high number of the comments received were negative. The comments were primarily related to the impacts (including loss of land) of the CSLR Scheme during construction and operation and to the proposed route of the road, rather than to the need for the road itself.
- 9.7.7 There were a number of positive comments made however, in relation to the potential reduction in traffic and accidents in the villages within the vicinity of the proposed road.
- 9.7.8 The same statutory bodies that were consulted in the first round of public consultation were re-consulted. The statutory bodies maintained much the same concerns as before (e.g. the lack of information on potential impacts on the environment and heritage of the area and the potential impact on local villages such as Brisco, Durdar and Cummersdale) along with additional queries on, for example, potential safety issues.
- 9.7.9 Further and more detailed work was therefore undertaken (e.g. flood modelling) to address such concerns and the potential safety issues were subsequently dealt with by the Stage 1 safety audit process. Any resultant issues will be fully taken into account as part of the detailed design process and a subsequent and more detailed safety audit process.

9.8 Planning Consultation – October 2019

- 9.8.1 Following the submission of the planning application for the CSLR Scheme in early October 2019, the Council as Local Planning Authority notified all landowners affected by the application and statutory consultees, inviting comments. The deadline for which was mid November 2019.
- 9.8.2 In response, a number of landowners raised concerns in relation (but not limited) to:

- public rights of way being created over some of the new private means of accesses and safety issues in respect of this;
- highway and land drainage issues including increased risk of flooding;
- the reduction in development potential;
- the impact of the new provision for badgers; and
- the treatment of the existing Newbiggin Road once the classified road becomes the main route including concerns about access to adjacent land and the risk of fly tipping.

9.8.3 The Council's consultation on the planning application for the CSLR Scheme also sought responses from statutory consultees. Comments received from statutory undertaker consultees were primarily focused on the potential effects of the CSLR Scheme on those statutory undertakers' existing apparatus. Responses were received from Northern Gas Networks (NGN), Electricity North West, United Utilities and Vodafone and they generally made reference to ongoing dialogue with the Council about the impacts of the CSLR Scheme and any necessary diversion works required. In the case of NGN, an objection was initially received, in accordance with NGN's standard procedures for initial responses. However, this objection was subsequently withdrawn. No response was received from BT Openreach.

9.8.4 The responses received from other statutory consultees are summarised as follows:

- Highways England – no objection;
- Historic England – no objection;
- Natural England – no objection; advice and feedback received for inclusion in planning conditions;
- Environment Agency – no objection; recommendation made for planning conditions;
- St Cuthbert Without Parish Council – no objection;
- Cummersdale Parish Council – no objection; supportive of the CSLR Scheme;
- Dalston Parish Council – no objection; supportive of the CSLR Scheme;
- Cumbria County Council – no objection; recommendation made for planning conditions;
- Carlisle City Council – no objection; recommendation made for planning conditions;
- Cumbria Police – no objection;
- Cumbria Fire Service – no objection;
- Network Rail – no objection.

9.8.5 The Council as Local Planning Authority (with input from the Council as applicant) has been and is in the process of responding to the comments received, with a view to addressing concerns raised, insofar as it is reasonable and practicable so to do.

10 Negotiations with Landowners

10.1 Overview of engagement with landowners/occupiers

- 10.1.1 The Council has actively engaged or sought to engage with all known freehold owners, lessees, tenants and occupiers of the CPO Land on an individual basis throughout the development process to date. This is an ongoing process.
- 10.1.2 In July 2020 such parties were formally invited to enter into discussions and negotiations with the Council with a view to agreeing terms for the acquisition of their land/interests and the new rights required by agreement and (where relevant) relocation. Where appropriate and relevant, such discussions and negotiations have (or will) include consideration of the temporary use/possession of land.
- 10.1.3 These discussions will continue wherever possible, hopefully limiting the number of interests over which compulsory purchase powers will need to be exercised. Such discussions will also help inform the mitigation measures. Maintaining communication throughout and after the construction phase will also help ensure farm businesses can remain operational at all times throughout the construction phase and allow any compensation discussions to take place.
- 10.1.4 However, given the Council's need to deliver the CSLR Scheme within a specified timescale and given the number of interests required and the status of negotiations, the Council has concluded it is highly unlikely it will be able to deliver the CSLR Scheme within this timescale without the CPO. In addition, some plots are in unknown ownership (see below) and therefore cannot be acquired by agreement; in these cases, proceeding by way of compulsory purchase is the only route open to the Council.
- 10.1.5 The Council has already acquired two properties by agreement (Brisco Station House and Newbiggin View). These properties are located at the eastern end of the CSLR Scheme, adjacent to the West Coast Main Line Railway.
- 10.1.6 Since the CPO was made in September 2020 and submitted in October 2020 to the Secretary of State for Transport for confirmation, the Council has continued to engage with landowners affected by the CSLR Scheme – both with those who have objected to the CPO (and/or the related SRO) and with those who have not.
- 10.1.7 Meetings have been held with representatives of 21 of the landowners most significantly affected by the CSLR Scheme. The shared objective of these meetings was to increase the Council's understanding of landowners' specific concerns arising in connection with the CSLR Scheme and the perceived or anticipated impacts of the Scheme on the use and amenity of such land. During the meetings, the Council sought input and guidance on its draft accommodation works plans; and, where sufficient information was considered to be available regarding the extent of impacts on specific landowners, the Council invited discussion on land valuations and consideration of offers to purchase the land.
- 10.1.8 During the period between September 2020 and January 2021, the Council made offers to acquire land owned by just over half of the landowners affected by the CSLR Scheme. Two thirds of those offers were made between September and November 2020, with the majority of the remainder being made during December 2020. Incidentally, three of the

landowners in receipt of offers have objected to the Orders, whilst 24 of them did not submit an objection. The offers are currently being considered by the landowners and their representatives and the Council is optimistic that a number of the offers may be accepted imminently.

- 10.1.9 In addition, the Council continued to keep landowners informed of its progress on the CSLR Scheme: when planning permission was granted in October 2020 the Council wrote to all affected landowners to confirm this. In December 2020, the Council contacted over 20 landowners in writing, in order to collate information about existing private drainage arrangements on land that is anticipated to be affected by the CSLR Scheme. The information sought by the Council will help to inform future detailed design work pertaining to the CSLR Scheme's proposed detailed drainage design, as required in connection with the discharge of planning conditions.
- 10.1.10 On 6 January 2021, the Council wrote to all affected landowners (with the exception of statutory organisations) to send them a hard copy of a presentation that was prepared with the aim of providing an update on the CSLR Scheme and related proposed enabling works. Due to the current COVID-19 restrictions it was felt that a public presentation was not possible. However, the hard copy presentation contained information updates which, in other circumstances, would have been presented verbally at a physical event. Landowners were invited to comment on the content of the presentation and to engage with the Council, and the presentation materials included contact details for Council representatives for that purpose.
- 10.1.11 Shortly after the Council published and served notice of the making of the Orders in September 2020, it learnt that the property known as Redcat House (on Newbiggin Road, Durdar) had recently been sold and the ownership transferred. A copy of the Council's notice of the making of the Orders was provided (electronically) to the new owner of the property, who confirmed receipt thereof. Representatives of the Council also met with the new owner at the site of the property on 12 November 2020, to provide information about the CSLR Scheme.

10.2 Land in Unknown Ownership

- 10.2.1 As mentioned previously, there are a number of plots included in the CPO which are in unknown ownership, namely: plots 6/49a, b, c, d, e, f and g.
- 10.2.2 To date, sustained efforts have been made to carry out diligent inquiry with the aim of ascertaining the ownership position in relation to these plots. This work will continue and where enquiries have been made but have not received a response, further investigation will continue to be made.

10.2.3 Diligent inquiry to date includes the following:

- HM Land Registry searches;
- the service of requisitions for information by way of notices served under section 297 of the Highways Act 1980 and section 330 of the Town and Country Planning Act 1990 on the identified owners of land affected by the CSLR Scheme;
- enquiries made with adjacent landowners (via land agents where relevant);
- use of local knowledge and enquiries made with the Parish Council; and
- visits to site, with a view to ascertaining evidence of the identity of the occupier(s) of the land in question.

10.3 Council owned Land subject to Third Party Rights

10.3.1 As set out in Section 14.2, the CPO has been made pursuant to Section 260 of the Highways Act 1980 (amongst other powers) to override the effects of any restrictive covenants and other third party rights that may exist over Council owned land. Council owned land that is potentially encumbered has therefore been included in the CPO.

10.3.2 Where Section 260 cannot be relied upon because the land was originally acquired for and/or is currently held for a non-highway purpose, the 'all interests in' approach has been taken so as to acquire, through the CPO, any subsisting non-Council interests in such land, and the Council will rely on Section 203 of the Housing and Planning Act 2016 to override any such rights that are interfered with by the CSLR Scheme in return for compensation.

11 Mineral Interests

11.1 Mines and Mineral Interests

- 11.1.1 Where minerals ownership is excepted from the freehold title of the CPO Land, some of the minerals interests affected by the CSLR Scheme are owned by the Church Commissioners for England, whilst the remainder are in unknown ownership. Where the CPO Land is not registered, the minerals ownership is unknown.
- 11.1.2 The CPO does not incorporate the mining code and as a consequence, will enable the Council to purchase all minerals interests compulsorily, in the event that they cannot be acquired by agreement.
- 11.1.3 The ability to acquire all such minerals interests is necessary due to the likelihood of the CSLR Scheme works interfering with the minerals interests (otherwise resulting in trespass).
- 11.1.4 The Council's position and approach on mineral interests is supported by the Valuation Office Agency's Mineral Surveyor who advised:
- Sands and gravel are present within the locality of the CSLR Scheme and have historically been worked. Gypsum has also been historically mined within the area.
 - Areas of sand and gravel are safeguarded within the Cumbria Minerals and Waste Local Plan.
 - The Mineral Planning Authority has not designated any areas within the CSLR Scheme as a Specific Site, Preferred Area or even an Area of Search in relation to minerals (therefore not contributing to Sand and Gravel Landbank provisions).
 - It is unlikely that the land the subject of the CSLR Scheme will ever be developed for the purposes of sand and gravel extraction.
 - On the information available the (surface) land values are not enhanced by the presence of minerals.
- 11.1.5 With no current or anticipated future underground working, the recommendation by the Valuation Office Agency's Mineral Surveyor was not to incorporate the mining code in the CPO. That advice has been followed by the Council and the mining code is not included in the CPO.

12 Special Considerations and Special Category Land

12.1 Protected Assets

12.1.1 There are no known listed buildings, other buildings which may be of a quality to be listed, buildings subject to building preservation notices, buildings within a conservation area, scheduled monuments, registered parks/gardens or historic battlefields within the CPO Land.

12.2 Ecclesiastical Property / Consecrated Land

12.2.1 There are no Churches, graveyards, burial grounds or any other consecrated land within the CPO Land.

12.2.2 Plot 1/10a comprises part of a field owned by CC Projects Limited, a wholly owned subsidiary company of the Church Commissioners for England, and is rented to a local individual for grazing purposes. This is not consecrated land.

12.2.3 In addition, and as set out in Section 11 of this Statement, the Church Commissioners for England also own the majority of the minerals interests in the CPO Land; however, again, this is not consecrated land.

12.2.4 However, both land holdings (i.e. plot 1/10a and minerals interests) are 'ecclesiastical property' for the purposes of Section 12(3) of the Acquisition of Land Act 1981 and therefore notice of the making of the CPO was served both on the Church Commissioners, as owners of the land, and on the local Diocese in accordance with section 12(3) of the Acquisition of Land Act 1981.

12.3 Special Kinds of Land

12.3.1 There are no plots of land in the CPO which are held by the National Trust or which form part of a common, open space or fuel or field garden allotment.

12.3.2 The City Council owns land at the western end of the CSLR Scheme, adjacent to the A595 and Peter Lane. Whilst this has been included in the CPO, it is agreed in principle that this land will be transferred to the Council by agreement as part of ongoing joint working arrangements for the delivery of the CSLR Scheme and St Cuthbert's Garden Village.

12.4 Crown Land

12.4.1 There is no Crown owned land or assets within the CPO.

12.5 Statutory Undertakers and Statutory Bodies

12.5.1 A number of statutory undertakers or other statutory bodies own land or have interests in the CPO Land. The following sub-sections explain what these interests are and whether or how they will be affected by the CSLR Scheme.

Land

- 12.5.2 Electricity North West Limited - Plot 1/8a (title plot) is owned by Electricity North West Limited. It contains a small sub-station and is operational land. As the land in this plot will be required for the construction of the CSLR Scheme, the substation will need to be relocated.
- 12.5.3 Northern Gas Networks Limited - Plots 2/17a and 2/17c (title plots) and 2/17b (rights plot) are owned by Northern Gas Networks.
- 12.5.4 Plots 2/17a and 2/17b comprise part of a former gas governor site which previously housed a Pressure Reduction Unit. Although the land in these plots is no longer used for that purpose, Northern Gas Networks have advised that there may still be underground pipework within the area; as such, these plots are considered to constitute operational land. Discussions are underway regarding the voluntary transfer of and grant of new rights over these plots (as relevant).
- 12.5.5 Plot 2/17c is operational land and contains two gas mains, one of which is a regional high pressure main, whilst the other is a separate medium pressure main. These gas mains will need to be relocated (on the same alignment, but at a greater depth below the surface of the new classified road). The preliminary design for this relocation has been prepared and will be subject to the progression of detailed design in due course. In preparation for this, the Council has been engaging with Northern Gas Networks to progress arrangements for the necessary purchase order and diversion agreement. These arrangements are being expedited due to the long lead-in time required in connection with the relocation of the high pressure gas main (other utility diversion works will be progressed once a contractor has been appointed and the CSLR Scheme's detailed design process is underway).
- 12.5.6 Network Rail - Plots 3/23a – d (rights plots), 3/23e (title plot) and 6/23a – 6/23f (rights plots) are owned by Network Rail.
- 12.5.7 The new rights over these plots are required for the construction, operation and future maintenance of a new bridge over the Cumbrian Coast Line railway and a new bridge over the West Coast Main Line railway. The rights plots constitute operational land. The Council is seeking to acquire such new rights by agreement and the CPO has been prepared in accordance with the feedback received from Network Rail.
- 12.5.8 Plot 3/23e is not operational land and is therefore capable of being compulsorily purchased. This land is required to help connect the new Shared Path close to the disused and former railway station at Cummersdale (south west of the Cumbrian Coast Line Railway Bridge). Notwithstanding this, the Council is seeking to acquire such land by agreement and the CPO has been prepared in accordance with the feedback received from Network Rail.
- 12.5.9 Discussions have been taking place with Network Rail for some time now and are all positive. The Council is aware of no reason why the necessary land and new rights cannot be acquired by agreement in due course.
- 12.5.10 To date the Council has a Basic Asset Protection Agreement in place and will be seeking to enter into an Asset Protection Agreement with Network Rail as the design of the CSLR Scheme is developed in more detail in due course. This is a requirement from Network Rail where any scheme passes close to or over/under its network.

- 12.5.11 The Council has entered into a number of Asset Protection Agreements with Network Rail on previous projects, resulting in the successful delivery of those projects. There are therefore no known issues or concerns as to why this will not be completed by the time required.
- 12.5.12 Highways England - Plots 1/5a – d (towards the western end of the CSLR Scheme, in the vicinity of the Newby West roundabout) and 6/5a to l (towards the eastern end of the CSLR Scheme, near to Junction 42 of the M6 Motorway) are all owned by Highways England.
- 12.5.13 Highways England is not a statutory undertaker and nor is it a Crown body, but the Council is treating it with due regard given its statutory status as a Strategic Highways Company.
- 12.5.14 With the exception of plots 6/5d and 6/5i, all of the above-mentioned plots fall outside of Highways England's operational land and are no longer required by Highways England. There is an agreement in principle for the voluntary transfer of this land from Highways England to the Council.
- 12.5.15 Plots 6/5d (forming part of the existing northbound diverge slip road) and 6/5i (forming part of the circulatory carriageway of the interchange at Junction 42 of the M6) comprise operational land and are required (albeit only on a temporary basis) to carry out improvements to the northbound diverge slip road at Junction 42 of the M6. The Council has therefore entered into an agreement with Highways England under section 6 of the Highways Act 1980 (dated 16 September 2020) in order to permit such works to the slip road, and avoiding the need for compulsory acquisition.
- 12.5.16 In addition, since the Orders were made and submitted to the Secretary of State for Transport for confirmation last autumn, the Council has provided Highways England with a draft Memorandum of Agreement for the acquisition by and transfer to the Council of the land in which Highways England has an interest and which is included in the CPO. The terms of the Memorandum, which reflect the discussions held to date between the Council and Highways England's local team, have been passed by Highways England's central team to an agent representing Highways England. Representatives of the Valuation Office Agency, instructed by the Council in the matter of the CSLR Scheme, are looking to engage with Highways England's agent to progress the Memorandum of Agreement.

Interests and Assets in land

- 12.5.17 A number of statutory undertakers and telecoms providers have interests in the CPO Land in relation to apparatus; these include Northern Gas Networks, United Utilities, Electricity North West, Virgin Media, Vodafone and BT Openreach.
- 12.5.18 In some cases, this apparatus will need to be relocated and in other instances can remain in-situ subject to protective measures being put in place.
- 12.5.19 All diversions will be contained within the proposed highway boundaries of the CSLR Scheme and the CPO Land and will require diversion agreements to be entered into (which will be done during the detailed design stage of the CSLR Scheme).
- 12.5.20 At the time of writing this Statement of Case, the Council awaits information from United Utilities (as requested in a recent meeting with this statutory undertaker) relating to the diversion of its existing high pressure water mains which are proposed to be relocated beneath new highway alignments comprised in the CSLR Scheme; the information, once provided by United Utilities, will be used to inform the detailed design of the CSLR Scheme.

Similarly, the Council is meeting in January 2021 with representatives from BT Openreach, to explore potential constraints and opportunities in relation to BT's apparatus where this will interface with the CSLR Scheme. Again, the information provided by BT Openreach will be used by the Council to inform the detailed design of the CSLR Scheme.

- 12.5.21 Purchase orders will continue to be sought by the Council to enable matters to be progressed with the remaining affected undertakers/providers and the Council will continue to liaise with all affected undertakers/providers as the CSLR Scheme design process progresses.
- 12.5.22 The Council is confident that all diversion agreements will be entered into by the necessary time, such that the presence of statutory undertaker and telecoms interests and apparatus is not considered to be an impediment to the CSLR Scheme proceeding.

12.6 Summary/Conclusion

- 12.6.1 The CPO contains no special category land.
- 12.6.2 Whilst the CPO contains land and interests in land owned by statutory undertakers, statutory bodies and telecoms providers, negotiations for the voluntary acquisition by agreement of such land or new rights and discussions for any necessary diversion agreements are being progressed.
- 12.6.3 The Council does not therefore consider the presence of such land or interests in land to be an impediment to the CSLR Scheme proceeding.

13 Compatibility with European Convention on Human Rights

13.1 Human Rights

13.1.1 The Human Rights Act 1998 incorporated the European Convention on Human Rights (“the Convention”) into UK domestic law. The Convention includes provisions in the form of Articles (“the Convention Rights”), the aim of which is to protect the rights of the individual and his possessions.

Relevant Articles

13.1.2 The following Convention Rights are relevant to the Secretary of State for Transport's consideration of whether a compelling case in the public interest has been demonstrated, sufficient to support the case for the CPO to be confirmed:

- Article 6: this entitles those affected by the powers sought in a CPO to a fair and public hearing by an independent and impartial tribunal, of any relevant objections such persons may have to the granting of those powers. This includes property rights and can include opportunities to be heard in the CPO decision-making process, such as a public local inquiry.
- Article 8: this protects the right of the individual to respect for his private and family life, his home and his correspondence. A public authority cannot interfere with these interests unless such interference is in accordance with the law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.
- Article 1 of the First Protocol: this protects the right of everyone to peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws and principles. As with Article 8, any interference with possessions must be proportionate and, in determining whether a particular measure is proportionate, a fair balance must be struck between the public benefit sought and the interference with the private rights in question.

Duties of Decision Maker

13.1.3 The Secretary of State for Transport, as the decision maker in relation to the Orders, is under a duty to consider whether the exercise of compulsory purchase powers would interfere with the rights protected by the Convention and if so, whether such interference is proportionate, justified and lawful.

Potential Infringement of Convention Rights

13.1.4 The Orders have the potential to infringe the Convention Rights of persons who hold interests in the CPO Land and who are affected by the stopping up of private means of access pursuant to the SRO. Under Article 1 of the First Protocol and under Article 8, such an infringement is authorised by law provided that:

- The statutory procedures for making the Orders are followed and there is a compelling case in the public interest for the making and confirmation of the CPO; and
- The interference with the Convention right is proportionate to the legitimate aim served.

Compliance with the Convention and the Human Rights Act 1998

- 13.1.5 The Council considers that there would be a significant public benefit arising from the confirmation of the Orders, the need for which is set out in Section 2 of this Statement. For the reasons set out in Sections 14 and 15 below, these substantial benefits may only be realised if the Orders are confirmed.
- 13.1.6 In relation to Article 6 of the Convention, which confers the right to a fair trial and public hearing by an independent and impartial tribunal, the Council notes that the procedures under the Highways Act 1980 and the Acquisition of Land Act 1981 are compliant with the Human Rights Act 1998 and in so far as the procedures under these Acts are properly observed by the Council, its duties under the Human Rights Act 1998 are discharged.
- 13.1.7 In the context of compliance with Article 6 of the Convention, the Council observes that those persons potentially affected by the Orders have had the opportunity to make representations to the Council as part of the consultation process on the CSLR Scheme, as well as through the formal planning application process – see Section 9 of this Statement.
- 13.1.8 Furthermore, should a public inquiry be held (as will be the case in connection with the CSLR Orders), every remaining objector and any other person who has sent a proof of evidence/outline statement or statement of case shall be entitled to appear at the inquiry and make representations orally. The Inspector may also permit any other person to appear and make representations at the inquiry (and such permission shall not be unreasonably withheld).
- 13.1.9 Should the Orders be confirmed, any person aggrieved by the CPO may challenge it in the High Court if they consider that the grounds for doing so are made out pursuant to Section 23 of the Acquisition of Land Act 1981 and any person aggrieved by the SRO may challenge it in the High Court if they consider that the grounds for doing so are made out pursuant to Paragraph 2 of Schedule 2 to the Highways Act 1980.
- 13.1.10 In making the CPO, the Council has considered the potential beneficiaries of rights overridden by the exercise of the compulsory purchase powers that would be capable of making claims under Section 10 of the Compulsory Purchase Act 1965.
- 13.1.11 In relation to matters of compensation for land to be acquired, affected persons have the right to apply to the Upper Tribunal (Lands Chamber), which is an independent judicial body, to determine the compensation payable.
- 13.1.12 The Council confirms that, in considering the potential exercise of compulsory purchase powers, it has also had regard to Article 8 of the Convention and Article 1 of the First Protocol to the Convention. The Council understands that in determining whether interference with these Convention Rights is proportionate, a fair balance must be struck between the public benefit sought and the interference with affected private rights.
- 13.1.13 In striking to seek that balance, the Council has had regard to both:

- the need for the CSLR Scheme and the public benefits it would bring (see Section 2 of this Statement); and
- the nature of the Scheme's interference with affected private rights (see Sections 7.1, 7.2, 8.4, 9, 10, 11, 12 above and Section 13.2 below).

13.1.14 Having had regard to the above, the Council does not consider that any single affected interest is of such importance as to outweigh the important public benefits which the CSLR Scheme is forecast to deliver, in the event that the Orders are confirmed by the Secretary of State and implemented by the Council.

13.1.15 Furthermore, the Council does not consider that the cumulative private loss (arising on a scheme-wide basis) would be of such magnitude or severity as to outweigh the importance of the public benefits which the CSLR Scheme would deliver.

13.1.16 The Council continues to discuss the impacts of the CSLR Scheme with the persons affected by those impacts, with the dual aim of:

- minimising as far as reasonably possible the loss suffered by those persons; and
- ensuring that any loss suffered is properly and fairly compensated.

13.1.17 As confirmed in Section 5 above, the Council has the resources to pay such compensation.

13.1.18 For the reasons set out above, the Council is of the view that, on balance, the significant public benefits to which the CSLR Scheme would give rise would outweigh the negative effects upon, and the private losses of:

- those persons who own land or have an interest in land which is required for the CSLR Scheme; and
- those persons who would be affected by the stopping up of private means of access pursuant to the SRO.

13.1.19 The Council also notes that such private losses would be mitigated by the fact that landowners, and those with the benefit of interests in land affected by the implementation of the CPO, would be entitled to compensation payable in accordance with the statutory Compensation Code. Further, those persons with a private means of access stopped up in pursuance of the CSLR Scheme would be provided, through the SRO, with a replacement means of access, where such replacement means of access was necessary.

Conclusion

13.1.20 The Council therefore considers that the proposed compulsory purchase of land and rights over land is:

- legitimate – in that if authorised by a confirmed CPO, the acquisition would be lawful;
- necessary – in that there is a need for the CSLR Scheme and land in the CPO is required to be acquired to enable that scheme to come forward in the form provided for in the SRO; and
- proportionate – in the context of the balancing exercise described above.

- 13.1.21 For the reasons set out above, any infringement of the Convention Rights of those whose interests are affected by the Orders is considered by the Council to be proportionate and legitimate and in accordance with domestic and European law.
- 13.1.22 Accordingly, the Council considers that there is a compelling case in the public interest for the CPO to be made and confirmed. The Council considers that it would, therefore, be appropriate, proportionate and legitimate for the Secretary of State for Transport to confirm the Orders.

13.2 Public Sector Equality Duty

- 13.2.1 The Council is aware of the Public Sector Equality Duty (“**PSED**”) set out in section 149 of the Equality Act 2010.
- 13.2.2 Section 149 states that a public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by or under the Equality Act 2010;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 13.2.3 The relevant protected characteristics for the purposes of the PSED are listed in section 149(7) of the Equality Act 2010 and are:
- age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex;
 - sexual orientation.
- 13.2.4 The Equality Act 2010 explains that having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves:
- removing or minimising disadvantages suffered by people due to their protected characteristics;
 - taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
 - encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

- 13.2.5 During the development of the CSLR Scheme and the preparation of the Orders, the Council has had regard to the PSED and, having regard to its statutory duties under the Equality Act 2010, has carried out an Equalities Impact Assessment (“**EqlA**”).
- 13.2.6 The EqlA is an ongoing process. Stage 1 comprised a screening exercise which sought to establish whether the impacts of the CSLR Scheme on persons with protected characteristics would give rise to the need for any new or amended Council policies or practices. The screening exercise was based on Highways England’s Equality, Diversity and Inclusion sifting tool (‘EDIT’) and on the Council’s data for the county district of Carlisle which comprises statistics from a number of different sources, including the Office for National Statistics, Public Health England and the 2011 Census (presented in Appendix 1 to the EqlA as the draft ‘Carlisle District Equality Profile 2019’).
- 13.2.7 Stage 2 of the EqlA assessed the level of impact of the CSLR Scheme on protected characteristic groups, in the context of the PSED objectives to which the Council must have regard in carrying out its statutory functions (as detailed in . The Stage 2 EqlA identified that the CSLR Scheme would, during its construction and operational phases, have ‘neutral’ impacts on the majority of protected characteristics groups, but that in relation to age, disability and pregnancy and maternity, there could potentially be negative impacts either during the construction or the operation of the CSLR Scheme; however, these impacts could be mitigated through a range of measures, details of which are provided in Chapter 5 of the EqlA and developed through Stage 3 of the EqlA – action planning and monitoring. Chapter 6 of the EqlA includes an Action Plan and monitoring proposals.
- 13.2.8 In addition to the EqlA, as part of the development of the proposals for the CSLR Scheme a social impact appraisal and distributed impact appraisal were completed to assess the potential impacts of the CSLR Scheme on different social groups. This showed that there were no differential impacts of the CSLR Scheme on different social groups.
- 13.2.9 In formulating and promoting the Orders, the Council has had full regard to its statutory duties and obligations under the Equality Act 2010 and in particular, to its obligations in sections 149 and 150 of the 2010 Act, in taking into account the differential impact the Orders will have on persons with protected characteristics. Whilst it is recognised that the CSLR Scheme will have impacts on a range of land and property interests it was found that any impacts it might have on protected characteristics groups could be addressed through mitigation and monitoring.
- 13.2.10 The impact of the CSLR Scheme will continue to be monitored and reviewed throughout the promotion and implementation of the Orders to ensure that any impact can be considered and mitigated as necessary.

14 Justification for the Compulsory Purchase Order

14.1 Authority to make the CPO

14.1.1 On, 27 August 2020, the Council resolved to make the CPO for the CSLR Scheme. On 21 September 2020 the CPO was made by the Council in accordance with such authorisation.

14.2 CPO Enabling Powers

14.2.1 The CPO, if confirmed by the Secretary of State for Transport, would enable the compulsory acquisition of the land and new rights required to fully deliver, operate and maintain the CSLR Scheme.

14.2.2 The CPO was made under the following powers of the Highways Act 1980:

- Section 6 – to carry out works for the maintenance and improvement of highways in the exercise of functions delegated by a strategic highways company;
- Section 239 – to construct new highways and improve existing highways, to improve frontages to a highway;
- Section 240 – to carry out works authorised by an order made under section 14 (i.e. side roads to classified roads, new means of access to premises); to create new means of access to premises under section 129; to use land in connection with the construction and improvement of highways; the carrying out of works authorised by an order under section 14 (SRO) (such as for working space and provision of access to a working site); and the diversion of a non-navigable watercourse;
- Section 246 – to mitigate the adverse effects of the existence and use of the highways proposed to be constructed or improved on their surroundings;.
- Section 249 – application of the distance limits for compulsory acquisition;
- Section 250 – to create and compulsorily acquire new rights; and
- Section 260 – to override the effects of restrictive covenants and other third party rights over land.

14.2.3 The Council is content that the scope of the powers sought and the extent of the interests in the land and new rights to be acquired by compulsory acquisition are sufficient to enable the delivery of the CSLR Scheme, whilst also being the minimum necessary that will enable the Council to construct, operate and maintain the CSLR Scheme.

14.2.4 The Guidance sets out a number of 'tests' which an acquiring authority must satisfy if compulsory purchase powers are to be authorised and implemented. Those tests, and the Council's ability to satisfy them, are considered in the following paragraphs of this Section.

14.3 Compelling Case in the Public Interest

"Acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest." (para 2 of the Guidance, and reiterated in para 12 thereof)

- 14.3.1 The CPO includes a large number of land interests and rights that are necessary to construct, operate and maintain the CSLR Scheme.
- 14.3.2 As set out in Section 2 of this Statement, the CSLR Scheme is required to deliver three primary objectives:
- Enabling St Cuthbert's Garden Village;
 - Improving the strategic highway network; and
 - Addressing local transport issues.
- 14.3.3 In achieving these objectives, the Council considers that the CSLR Scheme would make a significant contribution towards the social, economic and environmental wellbeing of Carlisle, Cumbria and the wider sub-region. The CSLR Scheme is also viewed as being the most appropriate solution to the needs and growth ambitions of Carlisle and the sub-region.
- 14.3.4 As set out in Section 6 of this Statement, construction of the CSLR Scheme is programmed to start in Spring 2022 with the new road being completed and open to traffic by Summer 2024. This programme is important to the delivery of planned growth to the south of Carlisle within the timeframes envisaged in local planning policies.
- 14.3.5 A significant amount of work and expense (including scheme design development, the carrying out of an Environmental Impact Assessment, the preparation of the Orders and the procurement of various consultants) has been undertaken and incurred to date (and continues to be undertaken and incurred) on the basis of these timings. The confirmation of the Orders during winter 2021 is vital to ensure that the programme can be met.
- 14.3.6 Furthermore, the CSLR Scheme needs to be delivered in a comprehensive fashion in order that it can achieve the objectives. Piecemeal development would not deliver the desired outcomes. Only delivering the full CSLR Scheme will allow the purposes to be fully realised.
- 14.3.7 Without the confirmation of the CPO, the CSLR Scheme would likely not go ahead and a fundamental review of the proposal would be required, which would lead to lengthy delays and a loss of confidence and momentum that has otherwise been built up. This would inevitably lead to a sub-optimal solution, if indeed an alternative could be found.
- 14.3.8 In addition, and importantly, the CPO is required to assemble various plots of land in unknown ownership, for which there is no other option than compulsory acquisition.
- 14.3.9 As explained in Section 13 above, the Council has considered the negative effects that its pursuance of compulsory purchase powers would have upon those with an interest in the land required for the CSLR Scheme, and has weighed those private losses against the benefits that the Scheme would bring.

14.3.10 Having carried out that balancing exercise, the Council believes that the public benefits would outweigh the private losses and that, on that basis, there is a clear and compelling case in the public interest which would justify the use of compulsory purchase powers. As such, the Council considers that the tests in paragraphs 2 and 12 of the Guidance – which state that a compulsory purchase order should only be made where there is a compelling case in the public interest - are met.

14.4 How the Council intends to use the CPO Land

"If an acquiring authority does not:

- *have a clear idea of how it intends to use the land which it is proposing to acquire; ... it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest, at any rate at the time of its making." (para 13)*

14.4.1 The CPO includes both:

- land (shown shaded pink); and
- new rights (shown shaded blue) (e.g. for continuing access such as future maintenance and inspection).

14.4.2 The land and new rights would enable the construction and operation of the new road (including drainage outfalls) as well as enabling the Council to undertake future maintenance of the road.

14.4.3 Land has also been included in the CPO for the works contractor to establish temporary site offices, compounds, welfare facilities and storage areas for plant and materials at various locations.

14.4.4 A number of plots are only required on a temporary basis e.g. for working space, or for construction-related purposes; however, where this is the case, the land has been included in the CPO (with the effect being that it would be acquired). This approach is a contingency measure, to be deployed in the event that temporary use of the land cannot be secured by agreement, and noting that, although such land is not required by the Council in perpetuity, there are currently no statutory powers which would enable the Council to take only temporary possession of land for the purposes of constructing the CSLR Scheme.

14.4.5 Following construction of the CSLR Scheme, if the Council disposes of any land which was acquired permanently but required only for the construction period, it will do so in accordance with the Crichel Down Rules published by the Ministry of Housing, Communities and Local Government. At the time of writing, the Council fully intends to dispose of all land included in the CPO but lying beyond the future highway boundary. The design and configuration of plots in the CPO has been formulated on this basis.

14.4.6 The Council also has a clear idea of how it intends to use all the land included in the CPO. This is set out on a plot by plot basis in **Appendix 2** to this Statement.

14.4.7 As such, the Council considers that the tests in paragraph 13 of the Guidance – which require an acquiring authority to have a clear idea of how it intends to use the land which it is proposing to acquire – are met.

14.5 Planning Policy Support

"Any programme of land assembly needs to be set within a clear strategic framework...The planning framework providing the justification for an order should be as detailed as possible in order to demonstrate that there are no planning or other impediments to the implementation of the scheme." (para 104)

- 14.5.1 As set out in Section 3 of this Statement, the CSLR Scheme is fully aligned with, supported by and compliant with all relevant planning policy.
- 14.5.2 In particular, the CSLR Scheme is supported by key strategic growth and employment policies, including Policy SP3 of the Local Plan (which identifies the south of Carlisle as a broad location for growth for a major mixed use development, focusing on housing). The CSLR Scheme is also closely aligned with the NPPF, particularly with those NPPF policies relating to housing and economic growth. It is also supported by the Cumbria Transport plan sub-regional transport objectives.
- 14.5.3 Furthermore, the emerging SCGV Local Plan will inform the development of St Cuthbert's Garden Village which is predicated on the delivery of the CSLR Scheme.
- 14.5.4 The Council has had regard to the tests in paragraph 104 of the Guidance. These tests are considered to be relevant to the CPO (notwithstanding its being made under the Highways Act 1980) in that they require an acquiring authority's land assembly programme to be set within a clear strategic planning framework, to demonstrate the unlikelihood of future impediments to implementation of the scheme. The Council considers that, in the case of the CSLR Scheme, these tests are met.

14.6 Alternatives

"This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired." (para 106)

- 14.6.1 As set out in Section 8 of this Statement, numerous intervention options and then alternative routes for the CSLR Scheme were considered. The selection of the preferred route (the current CSLR Scheme and which was based on the Green route) was completed following significant development and assessment work, including stakeholder and public consultations and input.
- 14.6.2 It was clear from this comprehensive optioneering process that the Green route presented the optimal solution for achieving the purposes and benefits which are embedded in the objectives of the CSLR Scheme.
- 14.6.3 As such, the Council considers that the test in paragraph 106 of the Guidance – which requires an acquiring authority to consider the appropriateness of alternatives – is met.

14.7 Funding and Viability

"In preparing its justification, the acquiring authority should address:

a) sources of funding ... [and]

b) timing of that funding ...

Evidence should also be provided to show that sufficient funding could be made available immediately to cope with any acquisition resulting from a blight notice." (para 14)

- 14.7.1 As set out in Section 5 of this Statement, the CSLR Scheme is currently expected to cost £144 million on the basis of a preliminary design standard including (amongst other things) all land assembly costs (including blight).
- 14.7.2 The HIF Grant Determination Agreement secures £134 million, £10 million will be provided by the Council and the City Council in equal parts (£5m each).
- 14.7.3 The Council therefore has full confidence that all necessary funding will be available for the CSLR Scheme to proceed at the necessary time. As such, the test in paragraph 14 of the Guidance is met.

14.8 Last Resort

"The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement... Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:

- *plan a compulsory purchase timetable as a contingency measure; and*
- *initiate formal procedures*

This will also help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations." (para 2 of the Guidance)

- 14.8.1 As set out in Section 10 of this Statement, the Council is fully committed to purchasing the land and new rights contained in the CPO by agreement. Two properties ('Brisco Station House' and 'Newbiggin View') have been acquired to-date for the purposes of the CSLR Scheme.
- 14.8.2 However, given the Council's need to deliver the CSLR Scheme within a specified timescale and given the number of interests in the land required and the possibility that acquisition of all of those interests by agreement may not be possible within the requisite timescale, the Council has concluded that it is highly unlikely that it will be able to deliver the CSLR Scheme within this timescale without a CPO. It is in this context that the Council contemplates the use of compulsory acquisition powers as a contingency measure, to ensure the delivery of the CSLR Scheme.

- 14.8.3 Furthermore, the CPO is required to assemble the various plots that are in unknown ownership for which there is no other option than compulsory purchase.
- 14.8.4 Notwithstanding this, all discussions and negotiations with landowners will continue wherever possible, thus hopefully limiting the number of interests over which compulsorily purchase powers will ultimately need to be exercised.

14.9 Impediments to the CSLR Scheme going ahead

"The acquiring authority will also need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation. These include:

- *the programming of any infrastructure accommodation works or remedial work which may be required; and*
- *any need for planning permission or other consent or licence.*

Where planning permission will be required for the scheme, and permission has yet to be granted, the acquiring authority should demonstrate to the confirming minister that there are no obvious reasons why it might be withheld." (para 15 of the Guidance)

- 14.9.1 As set out in Section 4 of this Statement, a planning application for the CSLR Scheme was submitted by the Council in October 2019 and planning permission for the CSLR Scheme was granted on 13 October 2020, following consideration by the Development Control and Regulation Committee, of the application, on 9 October 2020. Discharge consents, ecological consents and waste management licences will be applied for during the detailed design stage of the CSLR Scheme; however, these are not considered potential impediments to the implementation of the CSLR Scheme for the reasons set out in that Section.
- 14.9.2 As set out in Section 5 (and Section 14.7 above), the Council has full confidence that all necessary funding will be available for the CSLR Scheme to proceed at the necessary time.
- 14.9.3 As set out in Section 16, a number of temporary and permanent Traffic Regulation Orders ("TROs") will likely be required during the construction and operation periods of the CSLR Scheme. However, the Council as the Highway Authority does not foresee anything that would prevent or hinder such TROs being made. The need for these TROs is simply a consequence of delivering the new road scheme.
- 14.9.4 As set out in Section 12.5, whilst the CPO Land contains land and interests in land owned by statutory undertakers and telecoms providers, negotiations for such land acquisitions and discussions for any necessary diversion agreements are being progressed.
- 14.9.5 As set out throughout this Statement and more particularly in Section 15, the SRO is required in order to permit works to other highways. However, the need for this is not considered an impediment given all statutory requirements and tests have either been complied with or departures justified. Furthermore, the Orders are being promoted alongside each other and it has been confirmed by the Department for Transport's National Transport Casework Team that the Orders will be considered together, at the same public inquiry.
- 14.9.6 Subject to confirmation of the Orders, the Council therefore remains confident that the CSLR Scheme will not be blocked by any legal or physical impediment to implementation.

14.10 Human Rights and Equalities

“An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.” (para 12 of the Guidance)

- 14.10.1 The Council’s consideration of human rights and equalities is set out in full in Section 13 of this Statement.
- 14.10.2 In summary, however, the Council has had regard to the human rights of those with an interest in the land that is required for the CSLR Scheme and considers that the interference with those rights, which would arise if the CSLR Scheme was taken forward, would be justified. The Council has reached this view by weighing the potential private losses, caused by the interference with the human rights of those affected, against the benefits (flowing from the achievement of the CSLR Scheme purposes/objectives as identified in Section 2 below) which would be enjoyed by the wider public if the Scheme were to go ahead. Having carried out that balancing exercise, the Council concluded that the significant public benefits, which the CSLR Scheme would bring, would outweigh the private losses arising in consequence of the exercise of compulsory purchase powers.
- 14.10.3 As such, the Council considers that the tests in paragraph 12 of the Guidance are met.

14.11 Conclusion

- 14.11.1 This Statement makes clear why the Orders are being promoted and explains why the Council considers compulsory purchase powers to be necessary, proportionate, justified and to strike an appropriate balance between public and private interests.
- 14.11.2 It demonstrates there is a compelling case in the public interest based around the delivery of three primary objectives for the CSLR Scheme. For the reasons set out above, the Council considers that without the confirmation of the Orders, it will not be possible to construct the CSLR Scheme, or to realise the public benefits that would arise from it.
- 14.11.3 In determining the extent of the CPO Land, the Council has had regard to the requirements of the relevant legislation and to the advice set out in the Guidance. The purpose for which each plot of land is required has been clearly set out and there are compelling reasons for the powers to be sought at this time.
- 14.11.4 The Council considers it has established that the CSLR Scheme is a viable project and that the funding is in place to progress its development alongside strong Government, agency, stakeholder and public support.
- 14.11.5 The Council has actively engaged or sought to engage with all known freehold owners, lessees, tenants and occupiers of the CPO Land throughout the development process and all such discussions and negotiations will continue wherever possible, thus hopefully limiting the number of interests over which compulsorily purchase powers will need to be exercised. The reason for bringing forward the CPO at this stage is to provide certainty, to ensure that the Council can deliver the CSLR Scheme; the arguments in support of this

approach have been clearly laid out in this Statement and are considered to be fully justified.

- 14.11.6 The Council is satisfied that there are no expected physical or legal impediments to the CSLR Scheme proceeding.
- 14.11.7 The promotion of the Orders is not considered to impact on any specific equality issues.
- 14.11.8 The Council has considered the human rights of the individuals affected by the Orders. It is satisfied that there is a compelling case in the public interest for the Orders to be made and confirmed, and that the public benefits arising from the CSLR Scheme would outweigh any related harm. The Council is therefore confident that there is no reason why the Orders should not be confirmed.

15 Need and Justification for the Side Roads Order (SRO)

15.1 Authority to make the SRO

15.1.1 On 27 August 2020, the Council resolved to make the SRO for the CSLR Scheme. On 21 September 2020 the SRO was made by the Council in accordance with such authorisation. The SRO was made and sealed prior to the making and sealing of the CPO.

15.2 SRO Enabling Powers

15.2.1 The SRO, if confirmed by the Secretary of State for Transport, will provide for the stopping up and improvement of highways which connect with the new classified road to be delivered as part of the CSLR Scheme, for the construction of new highways, the stopping up of private means of access to premises, the provision of new means of access to them, and other associated works, including alterations to Public Rights of Way (“**PRoW**”).

15.2.2 The SRO defines the classified road as "the highway which the Council proposes to construct from the A595/A689 Newby West roundabout south-eastwards for a distance of 8.1km to the M6 Motorway Junction 42, and which is a proposed highway which is a classified road in accordance with Section 12 of the Highways Act 1980".

15.2.3 The SRO is made under the following powers of the Highways Act 1980:

- Section 6 – A strategic highways company may by agreement with a county council, delegate to that council all or any of its functions (including functions under a local or private Act) with respect to the maintenance and improvement of, and other dealing with, any trunk road or any land which does not form part of a trunk road but which has been acquired by it in connection with a trunk road.
- Section 14 – An order under this section in relation to a trunk road or a classified road, not being in either case a special road, may authorise the highway authority for the road:
 - to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the road or is or will be otherwise affected by the construction or improvement of the road;
 - to construct a new highway for purposes concerned with any such alteration as aforesaid or for any other purpose connected with the road or its construction and to close after such period as may be specified in the order any new highway so constructed for temporary purposes; and
 - for any purpose incidental to the above purposes.
- Section 125 - An order made by the Council under Section 14 (a side roads order) may authorise the Council to:

- stop up any private means of access to premises adjoining or adjacent to land comprised in the route of the classified road, or forming the site of any works authorised by the side roads order; and
- provide a new means of access to any such premises.

15.3 Need and Justification for the SRO

15.3.1 Any failure to confirm the SRO would prevent the necessary changes being made to the local highway network to enable the implementation and delivery of the CSLR Scheme. The SRO is, therefore, integral to the ability to deliver the CSLR Scheme and to ensure the consequent benefits, including enabling St Cuthbert's Garden Village.

15.3.2 Sections 14(6) and 125(3) of the Highways Act 1980 set out two key tests against which the Secretary of State for Transport will assess the SRO and decide whether or not to confirm the SRO. These key tests are repeated in Circular 1/97 and are as follows.

Section 14(6)

15.3.3 Under this Section no order authorising the stopping up of a highway shall be made or confirmed by the Minister unless he is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up.

15.3.4 There are two instances however, where highway is to be stopped up pursuant to the SRO where there is no reasonably convenient route already available and no replacement route is proposed to be provided for by the CSLR Scheme. In each of these instances, which are referenced below, the length of highway which is proposed to be stopped up will become redundant when the CSLR Scheme is in place. Explanations as to why that is the case are provided below:

- **Footpath No. FP111008** from the fence line at its junction with the A595, north-westwards for a distance of 3m (as referenced in Schedule 1 to the SRO and as shown on Site Plan 1 (see Inset A) – no replacement is necessary as the footpath will re-connect into the widened A595; and
- the **U1233** (highway) from the northern boundary of the C1014 Newbiggin Road, north-westwards for a distance of 135m (as referenced in Schedule 6 to the SRO and as shown on Site Plan 6) - the two properties to which this length of highway, at its northern end, provides access, have been acquired by the Council and will be demolished in furtherance of the CSLR Scheme; therefore no replacement highway in substitute for this stopped up length of highway will be required and no replacement highway is proposed. However, the length of the existing U1233 highway which is proposed to be stopped up currently also provides access to a private means of access to farmland lying to the north of the two properties which have been acquired for demolition (see Reference X41 on Site Plan 6). Private means of access Reference X41 is proposed to be re-provided by a new private means of access, Reference 41, access to which is proposed to be via a reasonably convenient route running along the improved C1014 Newbiggin Road and then along new highway (road) Reference S, from which new private means of access Reference 41 would run (on an embankment, generally parallel with and adjacent to the new classified road) to the east of the new CSLR mainline, before joining the

alignment of a new (replacement) length of Footpath No. FP129017 and passing beneath the new Petteril Bridge. As new private means of access Reference 41 would not be accessed from the stopped-up length of the U1233, no replacement highway (for the stopped up length of the U1233) is required or proposed.

Section 125(3)

- 15.3.5 Under this Section no order authorising the stopping up of a means of access to premises shall be made or confirmed by the Minister unless he is satisfied that no access to the premises is reasonably required or that another reasonably convenient means of access to the premises is available or will be provided.
- 15.3.6 Where any private means of access is to be stopped up pursuant to the SRO, it is the case that either no replacement access to the premises is reasonably required, or, that another reasonably convenient route is already available or will be provided by the CSLR Scheme. This is explained on a case by case basis within the relevant paragraphs below. In all cases therefore, the statutory test is met.

15.4 Details of the SRO

- 15.4.1 The SRO works are detailed in Schedules 1 to 6 of the SRO and shown diagrammatically on the six SRO Site Plans numbered '1 of 6' to '6 of 6' respectively, contained in the plan folio marked "The Cumbria County Council (A689 (Carlisle Southern Link Road) Classified Road) (Side Roads and Other Works) Order 2020". The following descriptions should be read in conjunction with the Schedules in the SRO and the SRO Site Plans.
- 15.4.2 The SRO, if confirmed by the Secretary of State for Transport, will authorise the Council to:
- Improve the lengths of highway named in the Schedules and shown on the corresponding Site Plan by cross hatching;
 - Stop up each length of highway described in the Schedules and shown on the corresponding Site Plan by zebra hatching;
 - Construct a new highway along each route whose centreline is shown by an unbroken black line surrounded by stipple;
 - Stop up each private means of access to premises described in the Schedules and shown on the corresponding Site Plan by a solid black band; and
 - Provide new private means of access to premises at each location shown on a Site Plan by thin diagonal hatching.
- 15.4.3 The proposed arrangements are detailed below. In the following descriptions capital letters (e.g. 'A') refer to lengths of new highway, which will be a road unless the words "footpath", "bridleway" or "cycle track" appear alongside its reference in the Schedules to the SRO; numbers (e.g. '1') refer to new private means of access, and numbers preceded by a capital X (e.g. 'X1') refer to private means of access to be stopped up. Highways to be improved and highways to be stopped up do not have a reference but are described in the Schedules to the SRO.
- 15.4.4 Any improvements to the existing highway network may result in the loss, replacement, or renewal of, or additions to existing assets within the public highway; these are, but are not

limited to, drainage, street lighting, signage, traffic signal apparatus, kerb alignment (horizontal and vertical), paved areas including footways, cycle tracks and the pavement, verge areas and soft landscaping. The changes required will be dependent upon the detailed design requirements and layout at each section of the highway. The area of improvement shown on the SRO Site Plans includes the full extent of the public highway, including verge areas where they form part of the highway, unless otherwise stated.

- 15.4.5 Where land is proposed to be acquired for the provision of highway drainage ponds, this will include the land required to enable the Council to access those ponds. Whilst the drainage ponds and related accesses are shown on the SRO Site Plans, these accesses are not referenced/numbered as new (or replacement) private means of access.

15.5 Site Plan 1 of 6

Improvements

- 15.5.1 Improvements are required along the existing A689, A595 Wigton Road and U1161 Peter Lane, all in the vicinity of the existing A689/A595 Newby West Roundabout. Works are to include:
- Alterations to the A595/A689 Newby West Roundabout – The roundabout layout is to be amended to enable a link with the new classified road. The roundabout is to be enlarged to provide three lane entries and two lane exits on the A595 and A689 arms. A direct connection between the roundabout and the U1161 Peter Lane will be removed by the stopping up of this part of Peter Lane.
 - A689 - Widening of the A689 to create a wider carriageway and a new Shared Path (situated within the widened boundary of the A689), and to achieve appropriate visibility splays. The carriageway widening is to accommodate a three lane entry and a two lane exit from the revised roundabout layout. The new Shared Path is to link to and pass across a new bridge over the northern arm of the Newby West Roundabout (A595).
 - A595 Wigton Road - Widening of the A595 to create a wider carriageway to accommodate additional traffic lanes and to achieve appropriate visibility splays, and provision of a pedestrian and cyclist overbridge. To the north of the roundabout the carriageway widening is to accommodate a three lane entry and a two lane exit from the revised roundabout layout. Additionally, the widening will include a ghost island right turn facility for 'Greenways', 'Thirlstane' and 'Crinkle Hill' properties. To the south of the roundabout the carriageway widening is to accommodate a three lane entry and a two lane exit from the revised roundabout layout. Additionally, the widening will include a ghost island junction for 'Kingrigg Farm', 'Douglas Nursery' and 'No. 23 Smallholding' properties.
 - U1161 Peter Lane - The improvements to Peter Lane are to provide a new turning head for a refuse vehicle in consequence of the stopping up of the westernmost length of this highway.

New highways

- 15.5.2 Reference 'A' – This is a new length of unclassified road to provide a link to new private means of access for 'Kingrigg Farm', 'Douglas Nursery' and 'No. 23 Smallholding' properties, as shown in Inset A on Site Plan 1.
- 15.5.3 Reference 'B' – This is a new length of (shared-use) cycle track with a right of way on foot to link the end of Peter Lane to the CSLR Scheme pedestrian and cycle facilities, as shown in Inset B on Site Plan 1.

Highways to be stopped up and replaced

- 15.5.4 The U1161 Peter Lane from the A595 Newby West Roundabout edge of circulatory carriageway, south-eastwards for a distance of 187m. This is to enable the new classified road to be connected to the improved Newby West Roundabout. An alternative route for all highway users (including vehicular traffic) will be provided via the U1161 Peter Lane, Cummersdale Roundabout, and the new classified road, as part of the CSLR Scheme. In addition, new highway reference 'B' will provide an alternative route for cyclists and pedestrians, allowing connectivity between the stopped up end of the U1161 Peter Lane and the new Shared Path within the CSLR Scheme.

Highways to be stopped up and not replaced

- 15.5.5 Footpath No. FP111008 from its junction with the boundary of the A595, north-westwards for a distance of 3m. This is to allow widening of the A595. The remaining length of this footpath will connect to the boundary of the improved A595, as shown in Inset A on Site Plan 1. As a result, no replacement highway is necessary in respect of the length of Footpath No. FP111008 which is proposed to be stopped up.

Private means of access to be stopped up and replaced

- 15.5.6 References 'X1' and '1' – The existing field access from the western edge of the A595 is to be stopped up and replaced with a new field access a safer distance away from the improved Newby West Roundabout.
- 15.5.7 References 'X2' and '2' – The existing access from the western edge of the A595 to an electricity substation is to be stopped up and replaced with a new access to match a new substation location further to the north of the Newby West Roundabout, as shown on Site Plan 1. The substation is being moved as part of the CSLR Scheme statutory undertakers' diversionary works.
- 15.5.8 References 'X3' and '3' – The existing access from the eastern boundary of the A595 to 'Douglas Nursery' and 'No. 23 Smallholding' is to be stopped up and replaced with new private means of access from a new unclassified road (reference A on Site Plan 1). This is to reduce the number of direct accesses onto the A595 and allows this access and the access to 'Kingrigg Farm' to be rationalised into one safer ghost island junction layout.
- 15.5.9 References 'X4' and '4' – The existing access from the eastern boundary of the A595 to 'Kingrigg Farm' is to be stopped up and replaced with a new private means of access from a new unclassified road (reference A on Site Plan 1). This is required in connection with the proposed improvements to the capacity of Newby West Roundabout (which requires an increase in the roundabout size and the addition of a two lane westbound exit from the roundabout onto the southern arm of the A595). Stopping up and relocating the access to Kingrigg Farm in this way also allows consolidation with the private means of access to

'Douglas Nursery' and 'No. 23 Smallholding', with three direct accesses onto the A595 being rationalised into a safer single ghost island junction layout.

- 15.5.10 References '**X5a**', '**X5b**' and '**5**' – Two existing field accesses into the same field, one from the eastern boundary of the A595 (north-eastern arm of the Newby West roundabout), and one from the northern boundary of the U1161 Peter Lane (south-eastern arm of the Newby West roundabout) are to be stopped up and replaced with a single access from the U1161 Peter Lane (shown in Inset B on Site Plan 1). This is necessary to facilitate a cycle track connection to the CSLR Scheme, and to reduce the number of direct accesses onto the A595.
- 15.5.11 References '**X6**' and '**6**' – The existing eastern part of 'Kingrigg Farm' can currently be accessed from a field gate in the southern boundary of the U1161 Peter Lane via land at the eastern boundary of the landholding comprising 'Kingrigg Farm'. This private means of access will be stopped up as it is crossed by the alignment of the new classified road. A 660m long replacement private means of access is to be provided, as shown on Site Plan 1 (continuing onto Site Plan 2), running parallel with, and outside the boundary of, the new classified road, from the south-western side of the Cummersdale Roundabout where the new classified road meets the B5299 Dalston Road. This replacement private means of access will be a dual purpose track that will also provide access for another landowner to an existing area of woodland which would be severed by the classified road forming part of the CSLR Scheme.

15.6 Site Plan 2 of 6

Improvements

- 15.6.1 Improvements are required along the existing U1161 Peter Lane and the B5299 Dalston Road in the vicinity of the proposed CSLR/B5299 Cummersdale Roundabout. Works are to include:
- B5299 Dalston Road - Widening and realignment of the B5299 to create a connection to the new Cummersdale Roundabout and to achieve appropriate visibility splays. To the north of the proposed roundabout the carriageway widening includes, within the boundary of the new classified road, a shared use footway/cycleway which is to link to and pass across a new bridge over the improved B5299 where it forms the north-eastern arm of the proposed Cummersdale roundabout.
 - U1161 Peter Lane - Minor works in the existing highway verge in connection with the creation of two new field accesses (private means of access Reference 9 and a separate access to a highway drainage pond for Council use only) with kerbs and a hardstanding area.

New highways

- 15.6.2 Reference '**C**' – This is the construction of a new highway (comprising a length of unclassified road) to replace the private means of access known as Grace Lane and bridleway BW111002, which are both proposed to be stopped up. The new road would provide access to nos. 42, 43 and 44 Grace Lane and to farmland situated to the east of Dalston Road; it would also provide connectivity (for non-motorised users) to the remaining existing lengths of Bridleway No. BW111002.

- 15.6.3 Reference 'D' – This is the construction of a new length of cycle track with a right of way on foot to link the end of Grace Lane (which itself is, as explained above, proposed to be stopped up and replaced by new highway Reference 'C') to the CSLR Scheme's pedestrian and cycle facilities, which will serve to replace the stopped-up length of Footpath No. FP111005.
- 15.6.4 Reference 'E' – This is the construction of a new highway, comprising a length of footpath, provided to replace the stopped up length of footpath No. FP111005 (as explained above); it will provide connectivity between the residential area of Cummersdale and the new highway reference 'D', which will in turn link into the new highway to be constructed on the alignment of Grace Lane (new highway Reference 'C'). It will also link into the new Shared Path which will run parallel with the north side of the carriageway of the new classified road.
- 15.6.5 Collectively, new highway references 'C', 'D' and 'E', together with the length of new shared-use path for cyclists and pedestrians on Dalston Road, which links to the Cummersdale Roundabout and, from there, to a length of new footway on the south side of the carriageway of the new classified road, will reconnect with the remaining length of existing footpath number FP111005 / FP114053 (south of the stopped up length), where it runs from the south side of the new classified road in a generally southerly direction to Brownelson.

Highways to be stopped up and replaced

- 15.6.6 The B5299 Dalston Road from a point 197m south of its junction with the centreline of the U1161 Peter Lane, south-westwards for a distance of 113m. This length of the B5299 Dalston Road is being stopped up to allow the construction of the new CSLR Cummersdale Roundabout; the remaining lengths of the B5299 Dalston Road will connect into the new roundabout. No replacement highway route will be required as the stopping up is within the boundaries of the new classified road.
- 15.6.7 Bridleway No. BW111002 from the south-eastern boundary of the B5299 Dalston Road, south-eastwards for a distance of 307m. This length of bridleway (which is also known as Grace Lane) is proposed to be stopped up and replaced, on the same alignment, by a new highway, which will be an unclassified road (new highway Reference 'C', as shown in Inset D on Site Plan 2). The new unclassified road is required to accommodate access by an additional landowner to land lying to the east of Grace Lane, which would be severed by the new classified road forming part of the CSLR Scheme.
- 15.6.8 Footpath No. FP111005, from a point 282m south of its junction with the southern boundary of Gilbert Road in a generally southerly direction to the point where it would meet the southern boundary of the new classified road, a total length of 260m (as referenced in Schedule 2 to the SRO and as shown on SRO Site Plan 2). The existing Footpath No. FP111005 would be severed by the new classified road. The stopped up length of FP111005 to the north of the new classified road would be replaced by new highways, referenced 'D' (cycle track with a right of way on foot) and 'E' (footpath), as shown on Site Plan 2, which at their junction, are proposed to connect to the new Shared Path on the northern side of the carriageway, within the highway boundary of the new classified road. The length of Footpath No. FP111005 running to the south of the classified road (and meeting the Cummersdale / Dalston parish boundary, where it continues as Footpath No. FP114053 in a southerly direction to Brownelson) is proposed to be retained, and to be linked into the replacement route (a length of new footway on the south side of the carriageway of the new classified road) which is being provided to replace the stopped up

length of Footpath No. FP111005. This new/replacement footway will in turn provide a link (via the Cummersdale Roundabout) to the new Shared Path on the north side of the carriageway of the new classified road. It will also provide connectivity, again via the Shared Path at Cummersdale Roundabout, to Dalston Road and onwards to the new circular route comprising new highway References 'D' and 'E'. As explained in the following paragraphs of this document, evidence suggests that there is insufficient pedestrian usage of Footpath No. FP111005 to warrant the replacement of its southern length by the provision of an overbridge crossing, over the new classified road at this location. As such, the length of Footpath No. FP111005 which is proposed to be stopped up is proposed to be replaced by the provision described above.

- 15.6.9 As noted above, where Footpath No. FP111005 meets the Cummersdale parish boundary, it becomes Footpath No. FP114053, which runs from its south-western end at Brownelson to its north-eastern end at the Dalston Parish boundary, total length 241m (as referenced in Schedule 2 to the SRO and as shown on Site Plan 2). As such, Footpath Nos. FP111005 and FP114053 comprise a single continuous length of footpath crossing the Cummersdale / Dalston parish boundary. However, there is no physical means of access to Cummersdale from the northern end of Footpath No. FP111005 (where FP111005 continues towards Gilbert Road, Cummersdale). Although the length of Footpath No. FP111005 shown by a dashed green line on Site Plan 2 follows the line of Footpath No. FP111005 as delineated on the Definitive Map, there is currently no means of access via the northern-most length of Footpath No. FP111005 to Gilbert Road, Cummersdale, as the route of the footpath is blocked by a building and its curtilage (41 Gilbert Road), which is believed to have been constructed in the 1970s.
- 15.6.10 As explained above, the Council's intention is that in due course, part of the replacement provision for the stopped up length of Footpath No. FP111005 (where the footpath would be severed by the new classified road) will comprise a new circular route, with the northernmost length of FP111005 (which is not proposed to be stopped up) also forming part of this new circular route, subject to resolution (in due course by the Council's Public Rights of Way team) of the access issue described above.
- 15.6.11 The remaining lengths of Footpath Nos. FP111005 and FP114053 (which would not form part of the proposed circular route) were, until recently, understood to be disused, given their limited connectivity with other public rights of way. As such, and for the reasons set out below, they were initially considered to be redundant and were therefore originally proposed to be stopped up and not replaced.
- 15.6.12 By way of further explanation, there is no public access to/from the southern length of footpath FP114053, where it runs north-eastwards from privately owned land and premises at Brownelson to the point where it meets the Cummersdale / Dalston parish boundary. The southern end of Footpath No. 114053 terminates at the curtilage of a small cluster of residential properties with no connection into the local PRoW network or to adopted highway other than via a private means of access. There is therefore no lawful means for the public to gain access onto or egress from the southern end of Footpath No. FP114053.
- 15.6.13 The planning application for the CSLR scheme included reference to the proposed stopping up of Footpath Nos. FP114053 and FP111005. The proposed stopping up was indicated in two documents: RP03 – Public Rights of Way Statement, and RP10 – Walking, Cycling and Horse Riding Review Report. Consultees on the planning application included the Lake

District Area Ramblers Association and Carlisle and North Lakes Ramblers Association. Neither expressed concern about the proposed stopping up of these footpaths; one expressed support for the new circular route which would replace part of the stopped up length of Footpath No. FP111005.

- 15.6.14 Both Parish Councils that have been involved in the planning application consultation have supported the CSLR Scheme and have not made any comment about the proposed stopping up of Footpath Nos. FP114053 and FP111005.
- 15.6.15 As noted in RP10 – Walking, Cycling and Horse Riding Review Report, the tying in of Footpath No. FP111005 to the CSLR shared-use path for cyclists and pedestrians (being, in the SRO, a cycle track with a right of way on foot, new highway Reference D) provides new opportunities for circular walks which were not previously available, given the current lack of connection between FP114053 and any other public highways. The Lake District Area Ramblers Association commented (in response to consultation on the planning application for the CSLR Scheme) that the provision of this circular route would be beneficial (this circular route being formed by that part of FP111005 that is to remain, the new cycle track with a right of way on foot at Reference D, the new footpath at Reference E and existing bridleways BW111003 and B111002 (part of the latter, where it is co-incident with Grace Lane, being replaced by new highway Reference C), as explained above).
- 15.6.16 Anecdotal evidence obtained by the Council during consultation suggested that the footpath comprising FP111005 and FP114053 (the northernmost third of which runs along a field boundary, with the remaining two-thirds in length passing through the middle of fields in arable use) was not used regularly, or at all, by the public, and had been disused for decades.
- 15.6.17 In order to test this anecdotal evidence prior to making the Orders in a form that included the stopping up of much of Footpath No. FP111005 and all of Footpath No. FP114053, the Council installed three trail cameras to monitor the footpath and to ascertain whether it was being used by the public, and if so, to what extent. The trail cameras were installed on 19 March 2020, shortly before the implementation of the restrictions imposed by The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (“the Covid-19 lockdown restrictions”). The footpaths were subsequently monitored and, notwithstanding the Covid-19 lockdown restrictions, the cameras provided some evidence to demonstrate that the footpath is used regularly, though not extensively, by the public.
- 15.6.18 In the light of the evidence from the trail cameras, the Council re-considered the extent of its proposed stopping up of the footpath comprising Footpath Nos. FP111005 and FP114053. The extent of the proposed stopping up was subsequently reduced, such that the length of Footpath No.111005, from the south side of the new classified road to the Cummersdale / Dalston parish boundary, and the full extent of Footpath No. FP114053, are now proposed to be retained (not stopped up), with provision being made for a reasonably convenient replacement route in substitution of the length of Footpath No. FP111005, which is still proposed to be stopped up, where it would run northwards from the south side of the new classified road. That replacement route is now proposed in the SRO, as described above (at paragraphs 15.6.5 and 15.6.8. The Council considers that whilst the expense of providing a new footbridge crossing over the new classified road at the location of the stopped up length of Footpath No.111005 would not be justified, the replacement route now

proposed in the SRO is justified, and is reasonable and proportionate in the circumstances, and that as such, the relevant statutory test is met.

Private means of access to be stopped up and replaced

- 15.6.19 References **'X7'** and **'7'** – The existing field access from the western boundary of the B5299 Dalston Road is proposed to be stopped up and replaced with a new field access set further back (as shown in Inset C on Site Plan 2), due to the relocation of the highway boundary to accommodate improvements (widening) to the carriageway of the B5299 Dalston Road.
- 15.6.20 References **'X8a'**, **'X8b'** and **'8'** – Two existing field accesses from the western boundary of the B5299 Dalston Road are proposed to be stopped up and replaced with a single new field access (as shown in Insets C and E on Site Plan 2). The field accessed from 'X8b' is being taken for the CSLR Scheme. The portion of the separate field remaining and accessed from 'X8a' can be accessed from the field with new private means of access 'Reference 8'.
- 15.6.21 References **'X9'** and **'9'** – The existing field access from the western boundary of the B5299 Dalston Road is proposed to be stopped up and replaced with a new field access from the southern boundary of the improved U1161 Peter Lane. Private means of access Reference **'9'** will open onto a new access track (provided as part of the CSLR Scheme) leading to the fields further west of the proposed Cummersdale Roundabout.
- 15.6.22 References **'X11'**, **'11a'** and **'11b'** – The existing field access from the eastern boundary of the B5299 Dalston Road is proposed to be stopped up and replaced with two new field accesses. The large field accessed from **'X11'** will be divided in two by the new classified road, and so it is proposed that separate replacement means of access will be provided to each new field.
- 15.6.23 References **'X12'**, **'12a'**, **'12b'**, **'12c'**, **'12d'**, **'12e'**, **'12f'**, **'12g'**, **'12h'** and **'12i'** - A length of the existing Grace Lane private access track is proposed to be stopped up, from its junction with the south-eastern boundary of the B5299 Dalston Road, south-eastwards for a distance of 319m. This length of private means of access will then be replaced by new highway (Reference 'C') which will be adopted by the Council as an unclassified road. This will result in the need for the creation of new private means of access (from the new highway Reference 'C') at the location of the existing property and field access points. This affects Nos. 42, 43 and 44 Grace Lane, in respect of which replacement private means of access referenced **'12a'**, **'12d'**, and **'12f'** are proposed to be provided; field accesses to fields north and south of Grace Lane, in respect of which private means of access referenced **'12b'** and **'12c'** are proposed to be provided; and access to the remainder of Grace Lane, which is proposed to be provided by new private means of access referenced **'12e'**. Additionally, a new 380m long shared use farm track from the eastern end of the adopted section of Grace Lane is proposed to be provided, in order to provide access to fields located to the north-east of the CSLR Scheme's proposed classified road, towards the Caldew River (see new private means of access referenced **'12g'** and **'12i'**). Also, replacement provision is proposed to be made for a 575m long shared farm access track from the B5299 Dalston Road south of the proposed Cummersdale Roundabout, to provide access to severed fields lying to the south-west of the CSLR Scheme alignment, towards the Caldew River (see private means of access referenced **'12h'**).

15.7 Site Plan 3 of 6

Improvements

- 15.7.1 No highways are proposed to be improved in the area to which Site Plan 3 and Schedule 3 of the SRO relate.

New highways

- 15.7.2 Reference 'F' – This is the proposed construction of a new cycle track with a right of way on foot to link the CSLR pedestrian and cycle facilities to the end of the U1162 Caldew Road and to the National Cycle Network route 7 which uses (in part) Footpath Nos. FP114018 and FP111006 which run generally in parallel with the Cumbrian Coast Line (railway).
- 15.7.3 Reference 'G' – This is the proposed construction of a new length of unclassified road, on the alignment of an existing private road, for the purposes of extending the U1162 Caldew Road to meet proposed new highway referenced 'F'. The proposed new highway (road) would also provide access to existing private tracks running along the western bank of the River Caldew and to the National Cycle Network route 7.
- 15.7.4 Reference 'H' – This is the proposed construction of a new length of footpath to replace a stopped up length of Footpath No. FP111004; it will link Cummersdale to the new highway reference 'F'.
- 15.7.5 Reference 'I' – This is the proposed construction of a new length of footpath to replace the proposed stopping up of certain lengths of Footpath Nos. FP114018 and FP111006 (as shown in Inset H on Site Plan 3). New highway (footpath) Reference 'I' replaces two stopped up lengths of existing footpath, both of which are shown with diagonal zebra hatching in Inset H on Site Plan 3. Of these two lengths, one (the closest to the Cumbrian Coast Line railway) represents the route of the existing footpath as it is shown on the definitive map; the other, (which lies closer to the River Caldew) represents the route of the existing footpath on the ground, as it is currently used, on the basis of a permissive path. Both alignments are proposed to be stopped up and replaced by new highway (footpath) Reference 'I'.
- 15.7.6 Reference 'J' – This is the proposed construction of a new length of footpath (Reference 'J') to replace the proposed stopping up of a length of Footpath No. FP129001 (as shown on Site Plan 3). This proposed new highway (footpath) will also replace a length of, and will connect to the line of, existing Footpath No. FP129005. The new length of footpath (Reference 'J') will pass beneath the new classified road, where it spans the River Caldew on a bridge.
- 15.7.7 Reference 'K' – This is the proposed construction of a new length of footpath to replace the proposed stopping up of a length of Footpath No. FP129004. The footpath will pass over the new classified road on a bridge.

Highways to be stopped up and replaced

- 15.7.8 Footpath No. FP111004 from its north-eastern end near to the River Caldew, south-westwards for a distance of 179m. This stopped up length of highway is proposed to be replaced by a new cycle track with a right of way on foot that will connect the new classified road to the U1162 Caldew Road. A short replacement length of footpath will also be

provided to tie the remaining existing footpath into the new cycle track (new highway references 'F' and 'H').

- 15.7.9 Footpath No. FP114018 from its junction with Footpath No. FP111006 on the Cummersdale Parish to Dalston Parish boundary, south-westwards for a distance of 68m, and Footpath No. FP111006 from its junction with the Cummersdale Parish to Dalston Parish boundary, north-eastwards for a distance of 120m. The stopping up of these lengths of footpath, which together form a continuous length of footpath crossing the boundary between Cummersdale Parish and Dalston Parish, is required in connection with proposals to divert particular lengths of the footpaths to a suitable point where they may pass underneath the new classified road. The two lengths of Footpath Nos. FP114018 and FP111006 are part of one continuous pedestrian route, and where they are proposed to be stopped up, they will be replaced by a new length of footpath to the south west, located further away from the Cumbrian Coast Line (railway line) that will pass under the new classified road at the proposed River Caldew Bridge (new highway reference 'I'). The stopping up is shown by two lengths of zebra hatching in Inset H on Site Plan 3; of these two lengths, one (the closest to the Cumbrian Coast Line railway) represents the route of the existing footpath (comprising Footpath Nos. FP114018 and FP111006) as it is shown on the definitive map. The other, (which lies closer to the River Caldew) represents the route of the existing footpath on the ground, as it is currently used, on the basis of a permissive path. Both alignments are proposed to be stopped up and replaced by new highway (footpath) Reference 'I'.
- 15.7.10 Footpath No. FP129001 from its junction with the centreline of the farm track to Peastree Farm, south-westwards for a distance of 312m (as shown on Site Plan 3). The proposed stopping up is required to facilitate the construction of the CSLR Scheme and to make provision for an associated highway drainage pond. The stopped up length of footpath will be replaced by a new footpath that will pass under the new classified road at the proposed River Caldew Bridge (new highway reference 'J').
- 15.7.11 Footpath No. FP129005 from its junction with footpath No. FP129001 south-westwards for a distance of 49m. This proposed stopping up of part of Footpath Nos. FP129005 and FP129001 is required to facilitate the construction of a CSLR Scheme highway drainage pond. The remaining footpath will join with the diverted footpath No. FP129001 to maintain existing pedestrian connectivity (new highway reference 'J').
- 15.7.12 Footpath No. FP129004 from a point 125m south-westwards of its junction with Footpath No. FP129003, southwards for a distance of 217m (as shown in Inset I on Site Plan 3). This proposed stopping up is required to facilitate construction of the new classified road and related earthworks. The stopped up length will be replaced by a new footpath that will pass over the new classified road on a bridge (new highway reference 'K').

Private means of access to be stopped up and replaced

- 15.7.13 References 'X13', '13a' and '13b' – Part of an existing private access will be stopped up from its junction with the south-eastern boundary of the U1162, south-eastwards for a distance of 99m. This stopped up length will become highway and is proposed to be adopted by the Council as an unclassified road, providing an extension to the U1162 Caldew Road. As a result, a new private means of access will need to be provided at the new boundary of the adopted highway to maintain access onto an existing private road heading northwards along the River Caldew western bank (as shown by Reference '13a' in

Inset G on Site Plan 3), and an existing private access track heading southwards along the River Caldey's western bank (as shown in Reference '13b'). In relation to the track heading south, a 240m length will be subject to powers of compulsory acquisition (if the CPO is confirmed), enabling the subsequent granting of new rights over it to provide vehicular access to a Network Rail compound, access to an existing private track following the River Caldey further southwards, and to the proposed Council-owned drainage pond.

New private means of access

- 15.7.14 Reference '44' - A new private means of access '44' is proposed to be constructed to enable access to fields from either side of the new highway Reference 'F'.
- 15.7.15 Reference '45' - A new private means of access '45' is proposed to be constructed to enable access to and connectivity within agricultural land (forming part of Peastree Farm) which would be traversed by the new classified road forming part of the CSLR Scheme. New private means of access Reference 45 would provide access to land on the south side of the new classified road, in areas both north and south of the proposed location of new highway drainage pond Reference D (access to which would be gained by the Council, for maintenance purposes, from the classified road itself).
- 15.7.16 Reference '46' - Similarly, a new private means of access '46' is proposed to be constructed to enable access to and connectivity within agricultural land (forming part of Peastree Farm) which would be traversed by the new classified road. New private means of access Reference 46 would provide access to land on the south side of the new classified road.

15.8 Site Plan 4 of 6

Improvements

- 15.8.1 Improvements are required along the existing C1014, the C1036 and the U1155. Works are to include:
- C1014 (West of Newbiggin Road) - Widening of part of the C1014 extending north-east from the Park Fauld Farm access to create a wider carriageway and a new shared use footway/cycleway (within the widened highway boundary), and to achieve appropriate visibility splays. Carriageway narrowing along the section of the C1014 in front of the 'Oak Dene' property and construction of a new T-junction, which is to form part of the U1155. Construction of a turning head to accommodate turning movements of a refuse vehicle adjacent to the 'Beech House' property where the road is proposed to be severed by the classified road element of the CSLR Scheme.
 - C1036 Durdar Road - Realignment of part of the C1036 to the south of Carlisle Race Course, and the creation of a new T-junction arrangement (where the improved C1036 Durdar Road would meet new highway Reference 'N'), with appropriate visibility splays. Footway widening in the eastern verge extending from the C1014 junction at the 'Black Lion' pub northwards to No. 401 Durdar Road.
 - C1036 (South of the C1014 Newbiggin Road junction) - Widening and realignment of parts of the C1036 between the C1014 junction at the 'Black Lion' pub, southwards to Stoneraise School, including provision of a new shared use

footway/cycleway in the eastern verge (within the widened highway boundary), appropriate visibility splays and a bridge over the new classified road (identified as Durdar Bridge on Site Plan 4).

- U1155 - Realignment of the carriageway to bend to the north and connect to a new length of unclassified road (reference 'O').

New highways

- 15.8.2 Reference 'L' – New length of road to be constructed to link the C1014 to the new classified road at the proposed new Durdar Roundabout.
- 15.8.3 Reference 'M' – New length of footpath to replace a stopped up length of Footpath No. FP129003, which will link to the new highway reference 'N'.
- 15.8.4 Reference 'N' – New length of road to be constructed to link the existing C1036 Durdar Road to the new classified road at the proposed new Durdar Roundabout.
- 15.8.5 Reference 'O' – New length of unclassified road to be constructed to link the U1155 through to the C1014.
- 15.8.6 Reference 'P' – New length of cycle track with a right of way on foot to provide a link for cyclists and pedestrians from the end of the U1151 through to the new highway reference 'N'.
- 15.8.7 Reference 'Q' – New length of road to be constructed to allow the slightly realigned C1036 to cross the new classified road on an overbridge.

Highways to be stopped up and replaced

- 15.8.8 Footpath No. FP129024 from the fence line at its junction with the C1014, north-westwards for a distance of 44m (as shown in Inset J on Site Plan 4). This proposed stopping up is required to facilitate the construction of a new link road (Reference 'L') to connect the C1014 to the proposed new Durdar Roundabout. The stopped up length of FP129024 would be replaced by the improved C1014 and by a new length of the highway C1014 (new highway references 'L' and 'O'), with the remaining footpath connecting at the new highway boundary.
- 15.8.9 Footpath No. FP129003 from a point 206m north-west of its junction with the C1014, north-westwards for a distance of 146m. The proposed stopping up is required to facilitate the construction of a new link road to connect the C1036 to the proposed new Durdar roundabout, and to upgrade part of the existing footpath to a cycle track with right of way on foot (Reference 'P'). The stopped up length of FP129003 would be replaced by two new lengths of highway (providing public rights of way) which are proposed to connect to the new Durdar Link Road (new highway references 'M', 'N' and 'P').
- 15.8.10 The C1014 from a point 26m west of its junction with the centreline of the U1155, westwards for a distance of 125m. This proposed stopping up is required to facilitate construction of the CSLR Scheme. A replacement route is proposed to be provided via new highway references 'L' and 'N'.
- 15.8.11 The U1155 from the southern boundary of the C1014 south-westwards for a distance of 112m. This proposed stopping up is required to facilitate construction of the CSLR Scheme. The stopped up length is proposed to be replaced by a new length of highway U1155 (new highway reference 'O').

15.8.12 The C1036 Durdar Road from a point 305m south of its junction with the centreline of the C1014 Newbiggin Road, southwards for a distance of 41m. The C1014 will pass over the new classified road on a new bridge. To minimise disruption during construction the bridge will be built offline to the west of the existing C1014. This requires a short section to be stopped up and re-provided as new highway on the alignment of the new overbridge (new highway reference 'Q').

Private means of access to be stopped up and replaced

15.8.13 References '**X14**', '**14a**' and '**14b**' – Part of the existing private access track from the U1151 to 'Peastree Farm' is to be stopped up and replaced with two new private means of access from the new road linking the proposed new Durdar Roundabout to the C1036 Durdar Road. This will be a dual purpose track that will also allow access for the Council to maintain land to the north of the new Durdar Roundabout. Note that both new private means of access 14a and 15a are based on the same alignment (which follows an existing track) and provide a replacement for stopped up private means of access References 'X14' and 'X15'.

15.8.14 References '**X15**', '**15a**' and '**15b**' – Part of the existing private access track from the U1151 to 'Floshes Farm' is to be stopped up and replaced with two new access tracks from the new classified road linking the proposed new Durdar Roundabout to the C1036 Durdar Road. Note that both new private means of access 14a and 15a are based on the same alignment (which follows an existing track) and provide a replacement for stopped up private means of access References 'X14' and 'X15'.

15.8.15 References '**X16**', '**16a**' and '**16b**' – A field to the southwest of the proposed new Durdar Roundabout will be divided into two parts by the new classified road linking the C1014 to the roundabout. The existing field access from the northern edge of the C1014 Buckabank Road is proposed to be stopped up and replaced with two new field accesses. Access '**16a**' will be from the existing road at a safer distance from a new T junction and access '**16b**' will be from the new link road.

15.8.16 References '**X18**' and '**18**' – The existing field access from the southern boundary of the C1014 is proposed to be stopped up and then replaced with a new field access, located at a safer destination, further from the junction of the new re-aligned highway (the U1155 Reference '**O**'). Note that an existing second field access to the same fields from further south on the existing U1155 will remain as well.

15.8.17 References '**X19**' and '**19**' – The existing field access from the western boundary of the C1036 Durdar Road is proposed to be stopped up and replaced with a new field access at a safer location further to the south of the improved junction of the C1036 Durdar Road with the new highway Reference '**N**'.

15.8.18 References '**X20**' and '**20**' – The existing field access from the eastern boundary of the C1036 Durdar Road is proposed to be stopped up and replaced with a new field access at a safer location further to the south of the improved junction of the C1036 Durdar Road with the new highway Reference '**N**'.

15.8.19 References '**X21a**', '**X21b**' and '**21**' – Two existing field accesses from the western boundary of the C1036 are proposed to be stopped up and replaced with a single new field access. This is to allow the realignment of the C1036 and the construction of a new bridge to carry the realigned C1036 over the new classified road. The severed part of the field that

will be left to the north of the classified road will be joined to the larger field further north by removal of the field boundary fence and hedge.

- 15.8.20 Reference 'X23', 'X24' and '23' – Two existing field accesses from the eastern edge of the C1036 are proposed to be stopped up and replaced with a single new field access. This is to allow the realignment of the C1036 and the construction of a bridge to carry the realigned C1036 over the new classified road.
- 15.8.21 References 'X25' and '25' – The existing field access from the eastern edge of the C1036 is to be stopped up and replaced with a new field access further north. This is to allow the realignment of the C1036 and the construction of a new bridge to carry the C1036 over the new classified road.
- 15.8.22 References 'X26', 'X27', 'X28', 'X29', '26', '27', '28' and '29' – Four existing field accesses from the eastern boundary of the existing C1036 Durdar Road are proposed to be stopped up and replaced with new field accesses at the same locations but set back to match a new highway boundary. The purpose of the stopping up of these private means of access is to allow the construction of a shared use footway/cycleway in the eastern verge of the C1036.

Private means of access to be stopped up and no replacement necessary

- 15.8.23 Reference 'X22' – The existing field access from the western boundary of the C1036 is proposed to be stopped up and not replaced. This is to allow the realignment of the C1036 and the construction of a bridge to carry the C1036 over the new classified road. No replacement access is required as there are alternative existing field accesses to the same field from the C1014. In addition, the remaining parts of three fields will be joined into one larger field by removal of existing field boundary fences/hedges.)

New private means of access

- 15.8.24 Reference '17' – A field to the southeast of the proposed Durdar roundabout will be divided into two parts by the new classified road. Existing access to the eastern part will remain and access '17' is a new field access from the C1014 to the western part of the severed field.

15.9 Site Plan 5 of 6

Improvements

- 15.9.1 Improvements are required along the existing C1014 Newbiggin Road, the existing C1037 (Scalegate Road and Burthwaite Road sections) and the existing C1041 Brisco Road. Works are to include:

- C1014 Newbiggin Road - Widening and realignment of part of the C1014 to the west of its junction with the C1037 to curve the road towards the new CSLR Redcat roundabout and to achieve appropriate visibility splays. Carriageway alterations and associated works along the section of the C1014 in front of the 'Red Cat House' property, are required in connection with 'downgrading' this length of road to an unclassified road providing vehicle access to 'Red Cat House' (see Inset M on Site Plan 5) and a field to the south, and pedestrian/cyclist access through onto the C1037. Changes at the staggered junction of the C1014 with the C1037 are required to improve visibility. Carriageway alterations and associated works are

required along the section of the C1014 to the east of the C1037 Scalegate Road junction eastwards to the C1041 Brisco Road junction. Within this length of highway, close to the 'Standale' property, there will also be planned measures, subject to further design development, to deter vehicular through traffic (but not pedestrians, equestrians or cyclists) and the construction of turning heads for refuse vehicles. Junction alterations are required at the existing junctions of the C1014 Newbiggin Road with both the C1037 Scalegate Road and the C1041 Brisco Road, to reverse the priority. At the staggered junction of the C1014 with the C1037, the existing C1014 currently has priority in both directions (eastbound and westbound); this would be reversed to give priority to (northbound and southbound) traffic on the C1037 Scalegate Road / Burthwaite Road, with westbound traffic on the C1014 being required to give way at a new T-junction (where the C1014 meets the C1037). To the west of the new T-junction, whilst access off the C1014 to Red Cat House would be retained, a short length of the C1014 would be stopped up (as shown in Inset M on Site Plan 5), altering the existing staggered crossroads junction and creating the above-mentioned new T-junction. Similarly, at the junction of the C1014 with the C1041 Brisco Road, whilst the C1014 currently has priority in both directions (eastbound and westbound), the priority will be reversed so that priority is instead given to (northbound and southbound) traffic on the C1041, with eastbound and westbound traffic on the C1014 having to give way at the staggered T-junctions. Carriageway alterations and associated works are also required along the length of the C1014 to the east of the C1041 Brisco Road junction.

- C1037 Scalegate Road - Widening and junction alterations at its junction with the C1014 to reverse priority and improve visibility.
- C1037 Burthwaite Road - Widening, realignment and creation of new T-junction arrangements, with appropriate visibility splays. Widening to enable provision of a footway in the eastern verge (within the highway boundary) extending from the junction of the C1037 with the C1014 to the proposed new Redcat Roundabout. These alterations are required to link the C1014 and C1037 to the new classified road.
- C1041 Brisco Road - Widening, realignment and creation of new T-junction arrangements, with appropriate visibility splays. Widening is required to facilitate the provision of new pedestrian and cyclist facilities in the western verge (within the new highway boundary) which will link to a new shared use footbridge over the new classified road. These alterations are required to link the C1014 and the C1041 to the new classified road.

New highways

- 15.9.2 Reference 'R' – New length of road proposed to be constructed to link the improved C1037 Burthwaite Road to the improved C1014 Newbiggin Road, north of the new proposed Redcat Roundabout.

Highways to be stopped up and replaced

- 15.9.3 The C1014 Newbiggin Road from a point 11m west of its junction with the centreline of the C1037 Scalegate Road, westwards for a distance of 8m. This proposed stopping up is

required to create a replacement access route to Redcat House (see new highway reference 'R' shown in Inset M on Site Plan 2).

- 15.9.4 The C1037 Burthwaite Road from a point 271m to the south of the southern boundary of the C1014 Newbiggin Road, southwards for a distance of 106m. The stopping up of this length of road is required to facilitate the construction of the proposed new Redcat Roundabout; the remaining lengths of the C1037 Burthwaite Road will connect to the new roundabout. No replacement route will be required as the stopping up is within the boundaries of the new classified road, and therefore the new classified road will re-provide this route.
- 15.9.5 The C1041 Brisco Road from a point 90m to the south of the southern boundary of the C1014 Newbiggin Road, southwards for a distance of 106m. The stopping up of this length of road is required to facilitate the construction of the proposed new Brisco Roundabout; the remaining lengths of the C1041 Brisco Road will connect to the new roundabout. No replacement route will be required as the stopping up is within the boundaries of the new classified road, and therefore the new classified road will re-provide this route.

Private means of access to be stopped up and replaced

- 15.9.6 References '**X30a**', '**X30b**' and '**30**' – Two existing field accesses from the western boundary of the C1037 are proposed to be stopped up and replaced with a single new field access. This is required to facilitate the realignment of the C1037 Burthwaite Road.
- 15.9.7 References '**X31**' and '**31**' – The existing field access from the eastern boundary of the C1037 Burthwaite Road is proposed to be stopped up and replaced with a new field access at the same location but set back to match the new highway boundary, as shown in Inset N on Site Plan 5. These works are required to facilitate widening of the C1037 to improve visibility at the junctions.
- 15.9.8 References '**X32**', '**32a**' and '**32b**' – A field to the north of the new proposed Redcat Roundabout will be divided into two parts by the new road linking the C1037 to the roundabout. The existing field access from the eastern boundary of the C1037 Burthwaite Road is proposed to be stopped up and replaced with two new field accesses. As shown in Inset M on Site Plan 5, access '**32a**' will be from the existing road at a safer distance from the new roundabout; access '**32b**' will be from the south side of the improved C1014 Newbiggin Road.
- 15.9.9 References, '**X34a**, '**X34b**' and **34** – Parts of two existing private access tracks and several fields to the south of the C1014 Newbiggin Road will be severed by the new classified road. A shared 640m long access track heading west from the proposed new Brisco Roundabout and the existing C1041 Brisco Road will provide access to various fields, properties and the remaining southern section of existing private track. This replacement private means of access will also serve as a new access route for the Council to maintain a highway drainage pond (proposed to be located to the west of property known as 'The Piggery') that will be provided as part of the CSLR Scheme.
- 15.9.10 References '**X35**' and '**35**' – The existing field access from the western boundary of the C1041 Brisco Road is proposed to be stopped up and replaced with a new field access from the southern boundary of the C1014 Newbiggin Road. This is required to facilitate the delivery of a shared use footway/cycleway ramp carrying these elements of the CSLR

Scheme over a bridge crossing the new classified road (all within the new classified road highway boundary).

- 15.9.11 References '**X36**' and '**36**' – The existing field access from the eastern boundary of the C1041 Brisco Road is proposed to be stopped up and replaced with a new field access from the southern boundary of the C1014 Newbiggin Road. This is required to improve the safety of the field accesses: replacement private means of access (Reference '36') is proposed to be located at a safe distance to the east of the junction between the C1041 Brisco Road and the C1014 Newbiggin Road.

New private means of access

- 15.9.12 Reference '**33**' – Three fields to the south of the C1014 Newbiggin Road will be divided into two by the new classified road. A 330m long farm track heading east from Redcat Roundabout and the C1037 Burthwaite Road is proposed to be provided to maintain access to the southern half of the fields.

15.10 Site Plan 6 of 6

Improvements

- 15.10.1 Improvements are required along the existing C1014 Newbiggin Road, the U1233, the M6 Motorway (in respect of its northbound diverge slip road at Junction 42), and the A6 London Road. Works are to include:
- C1014 Newbiggin Road - Carriageway narrowing and associated works along the section of the C1014 in front of the 'Crossroads House', 'Carel Garth', 'Fourways', 'North Park Lodge', and 'North Park' properties, construction of a new T-junction and construction of a turning head for a refuse vehicle. These works are required in connection with the 'downgrading' of this length of existing highway to an unclassified road.
 - Carriageway narrowing and associated works and realignment along the length of the C1014 between the West Coast Mainline railway and the River Petteril. These works are required to allow this length of highway to be 'downgraded' to an unclassified road and to become part of the U1233, running to the south of the improved C1014 Newbiggin Road. Within this length of improved highway, proposals also include the provision of a number of parking spaces (within the highway boundary) to replace the parish council's Wreay Woods car park.
 - U1233 - Realignment and widening of part of the U1233 to the south of the C1014 Newbiggin Road.
 - M6 Motorway - Widening and realignment of the northbound diverge slip connector road from Junction 42 of the M6 motorway. These works are required in connection with the addition of a segregated left turn lane to link the motorway to the new classified road (see Inset O on Site Plan 6).
 - A6 London Road - Widening to add a shared use footway/cycleway in the western verge (within the boundary of the improved highway) from Junction 42 of the M6 Motorway to the 'Hills Garage' property. Carriageway narrowing along the northbound section of the A6, the existing road has two northbound lanes and a

hard shoulder, this is proposed to be reduced to a single northbound lane to allow reallocation of road space to cycling and pedestrian facilities. Widening to relocate an existing bus layby. Construction of an uncontrolled crossing point with a central refuge island.

New highways

- 15.10.2 Reference 'S' – New length of road proposed to be constructed to link the existing U1233 to the new classified road (via a length of the existing, improved C1014 Newbiggin Road).
- 15.10.3 Reference 'T' – This is a new length of footpath proposed to replace a stopped up section of footpath No. FP129017.
- 15.10.4 Reference 'U' – New length of footpath proposed to link the existing footpath No. FP129017 to the existing footpath no FP129032. This new highway (footpath) reference U (shown in Inset O on Site Plan 6) will pass the relocated Wreay Woods car parking, provision for which is proposed to be made, by agreement with the Parish Council, within the highway boundary of the improved C1014 Newbiggin Road. The improvement to the C1014 will also result in part of it being incorporated into the existing U1233. This improved alignment would then comprise the adopted highway between Newbiggin Hall and the new classified road (replacing the existing length of the C1014 Newbiggin Road).

Highways to be stopped up and replaced

- 15.10.5 The C1014 Newbiggin Road from a point 319m east of its junction with the centreline of the C1041 Brisco Road, eastwards for a distance of 362m. The road is proposed to be stopped up to facilitate the construction of the new classified road. The remaining lengths of the existing C1014 Newbiggin Road will be linked to the CSLR Scheme, with replacement highway being provided in the form of new highway reference 'S' (as shown on Site Plan 6), which includes proposals for a new ghost island junction with the new classified road.
- 15.10.6 The C1014 Newbiggin Road from Junction 42 of the M6 roundabout edge of circulatory carriageway, south-westwards for a distance of 591m. This section of road will be replaced by the new classified road and new side roads and footpaths (including new highway references 'S and 'U' as shown in Inset O on Site Plan 6).
- 15.10.7 Footpath No. FP129017 from a point 203m north of its junction with the highway boundary on the north side of the C1014, northwards for a distance of 96m. This proposed stopping up is required to facilitate construction of a new road bridge over the River Petteril. The stopped up length of Footpath No. FP129017 will be replaced by a new footpath that will pass under the new classified road at the bridge (new highway reference 'T').
- 15.10.8 Footpath No. FP129032 from its junction with the highway boundary on the south side of the C1014, southwards for a distance of 21m. This section of footpath is proposed to be stopped up because it has been rendered redundant, in consequence of the stopping up of the adjacent length of the C1014. A new footpath is proposed to be created to connect to the severed end of Footpath No. FP129032 (new highway reference 'U', as shown in Inset O on Site Plan 6).

Highways to be stopped up and not replaced

- 15.10.9 The U1233 from the northern boundary of the C1014 Newbiggin Road, north-westwards for a distance of 135m. This proposed stopping up is in part required to facilitate construction of the CSLR and in part because the remaining sections of the U1233 to the north of

Newbiggin Road will become redundant. The road provided access to the properties known as 'Station House', and 'Newbiggin View', and to agricultural land to the west of the River Petteril. However, these properties have been acquired by the Council and will be demolished as part of the CSLR Scheme and therefore no replacement route to provide access to them will be required. An alternative means of access will be provided to the agricultural land (highway references 'S' in part and 'T').

Private means of access to be stopped up and replaced

- 15.10.10 References '**X37**' and '**37**' – The existing field access from the southern boundary of the C1014 Newbiggin Road is proposed to be stopped up and replaced by a new shared access track. This private means of access will comprise a 290m long track heading west from the junction of the U1233 with the C1014 Newbiggin Road, to provide access to fields lying to the south of the new classified road and to the west of the West Coast Mainline railway, as shown in Inset O on Site Plan 6. This shared access track will also serve as a private means of access for the Council to maintain the existing railway bridge and a new drainage pond, and for Network Rail to access the railway. Both the stopping up and replacement provision are necessary to facilitate the development of the CSLR Scheme.
- 15.10.11 References '**X38a**', '**X38b**' and '**38**' – Two existing field accesses from the northern boundary of the C1014 Newbiggin Road are proposed to be stopped up and replaced with a new shared access track. This private means of access will comprise a 275m long track from Newbiggin Road, to provide access to fields to the north of the new classified road, and to provide access to the railway for Network Rail. Both the stopping up and the related replacement provision are necessary to facilitate the development of the CSLR Scheme.
- 15.10.12 References '**X39a**', '**X39b**' and '**39**' – Two existing field accesses from the length of the U1233 which is proposed to be stopped up are also proposed to be stopped up and replaced by a new single field access from the improved C1014 Newbiggin Road. The two fields currently accessed by the two existing field accesses will be joined into one field, once the CSLR Scheme is in place, so only one new replacement access is required.
- 15.10.13 Reference '**X41**' and '**41**' – The existing access track to property known as 'Newbiggin View' is proposed to be stopped up. The property has been acquired by the Council and is to be demolished with no replacement private means of access therefore being required. The access track also provides a private means of access to agricultural land west of the River Petteril, and for this, an alternative private means of access is proposed to be provided. This will be a 230m long farm track heading north from the U1233 and under the new classified road, in parallel with the new River Petteril bridge, to provide access to fields lying to the north of the new classified road and to the east of the West Coast Mainline.
- 15.10.14 Reference '**X42**' and '**42**' – The existing field access from the northern boundary of the C1014 Newbiggin Road is proposed to be stopped up and replaced by a new shared access track. This proposed replacement private means of access will be a 140m long shared track from the U1233 along the line of the old Newbiggin Road, to provide access to fields lying to the east of the River Petteril, and access to an existing track leading to a Telecoms mast compound, and an existing track which passes under the M6 motorway. This new (shared) private means of access will also serve as part of an access route enabling the Council to maintain a highway drainage pond.

15.10.15 References 'X43a', 'X43b' and '43' – Two existing private means of access from the southern boundary of the C1014 Newbiggin Road are proposed to be stopped up and replaced by a private means of access comprising a new shared access track. The existing tracks provide access to: 'Wreay Woods' car park; an existing track leading to an Environment Agency gauge station; a track under the M6 motorway leading to farmland east of the M6; a field access to land between the M6 motorway and the existing C1014 Newbiggin Road; and a track leading to a telecoms mast. The new provision will be a 140m long shared access track from the proposed U1233 along the line of the old C1014 Newbiggin Road, and will provide access to all the above plus a new access track for the Council to maintain a drainage pond in connection with the CSLR Scheme.

Private means of access to be stopped up and no replacement necessary

15.10.16 Reference 'X40' – The existing access to 'Station House' is to be stopped up. The property has been acquired by the Council and is to be demolished in furtherance of the CSLR Scheme, with no new access therefore being required.

15.11 Side Roads Order Classifications

15.11.1 Upon completion of the CSLR Scheme there will need to be several changes made to the existing road classifications in the area. This will be necessary where new roads are created, or existing roads are amended in some way as a result of the SRO. The progress made to date with respect to road classifications has been limited to the classification of the CSLR as the A689, as an extension of the existing A689 which currently ends at the Newby West roundabout. This follows a consultation process undertaken with relevant Highway Authorities and operators of roads in the region.

15.11.2 For further changes to be made to road classifications, the Department for Transport document "*Guidance on Road Classification and the Primary Route Network: January 2012*" will be used to propose a number of changes to the existing highway network as a result of the CSLR Scheme.

15.11.3 All planned changes to existing highways will require appropriate signing of the road classifications and numbering, and will be carried out in accordance with the Traffic Signs Regulations and General Directions 2016 (SI 2016/362) and related Government guidance published by the Department for Transport in the Traffic Signs Manual (first published June 2006, last updated March 2020), as supplemented by Department for Transport Circular 01/2016 – The Traffic Signs Regulations and General Directions (May 2016, Version 2).

15.12 Conclusion

15.12.1 The Council has made the SRO pursuant to Sections 6, 14 and 125 of the Highways Act 1980 to authorise the required changes to the side roads and private means of access to premises, involving the stopping up of existing side roads and means of access, improvements to existing side roads and to create new side roads and private means of accesses to premises.

15.12.2 In all cases the tests of Section 125(3) of the Highways Act and the associated requirements of Circular 1/97 have been met.

15.12.3 There are three instances where the tests of Section 14(6) of the Highways Act and the associated requirements of Circular 1/97 are not met; however, in these instances, as is explained above, the Council's departure from this is fully justified.

16 Related Orders

16.1 Related Orders

- 16.1.1 It is anticipated that a number of Traffic Regulation Orders (“**TROs**”) will be required to facilitate the construction and operation of the CSLR Scheme.
- 16.1.2 Permanent TROs will likely be required to impose a range of traffic restrictions such as road closures, the introduction of new speed limits or the variation of existing speed limits, the prohibition of turns (such as right turns and U-turns) and the introduction of waiting or loading restrictions once the CSLR Scheme is operational and in use. These will all be applied for towards the end of the construction period in time for when the CSLR Scheme is operational.
- 16.1.3 Temporary TROs will likely be needed throughout the construction of the CSLR Scheme to ensure the safety of the workforce, pedestrians and other road users. Such TROs will be applied for in advance of construction works and some of them may potentially need to apply throughout the construction period.
- 16.1.4 The Council as the Highway Authority does not foresee any issues that would prevent or hinder such TROs being made. The need for these TROs is not therefore considered to be an impediment to the CSLR Scheme proceeding and is simply a consequence of delivering any new road scheme.

17 Council's Response to Objections to the Orders

17.1 Overview of objections

- 17.1.1 In total 17 parties have submitted objections. Six objections were submitted in relation to the CPO alone and eleven objections were submitted in connection with both the CPO and SRO. There were no objections submitted solely in respect of the SRO. Each of the 17 objections is summarised below, together with a summary of the Council's response to the particular grounds of objection raised in each case.
- 17.1.2 Three of the objections have been received from statutory undertakers - Northern Gas Networks, Electricity North West and Network Rail. These parties' objections potentially have the status of "section 16 representations" under section 16 of the Acquisition of Land Act 1981, insofar as the objections relate to the proposed compulsory acquisition of land, or of rights over land, which has previously been acquired by those statutory undertakers for the purposes of their undertaking. The special status of such land is acknowledged (above) in Section 12.5 of this Statement of Case.
- 17.1.3 The other 14 objections have been submitted by one or other of two local land agents on behalf of the landowners. Objection Nos. 4 to 13 were submitted by land agent Matthew Bell of Edwin Thompson Chartered Surveyors on behalf of his clients (see Objection Nos. 4 – 10 (inclusive), and Objection Nos. 12 and 13); Objection No.11 was submitted by Mr Bell in his capacity as a local landowner affected by the CSLR Scheme. Objections Nos. 14 - 17 (inclusive) were submitted by land agent Craig Brough of Hope's Auctioneers and Land Agents on behalf of his clients.

17.2 Objections from statutory undertakers

17.2.1 **OBJECTION NO.1 – Northern Gas Networks – objection to the CPO**

- 17.2.2 Northern Gas Networks ("**NGN**") owns and operates the gas distribution network in the north of England. NGN is a licenced gas transporter, as defined in the Gas Act 1986.
- 17.2.3 NGN is the freehold owner of a small area of land included within the CPO (plots 2/17a, b and c, as referenced in paragraphs 12.5.3 to 12.5.5 above). In its objection, NGN states that as this land is no longer used by NGN for operational purposes, NGN is willing to transfer it to the Council and does not object to its inclusion in the CPO.
- 17.2.4 The focus of NGN's objection is the inclusion in the CPO of land which is subject to rights owned by NGN in connection with a high pressure gas pipeline. The pipeline comprises a 450mm steel high pressure pipe which provides the sole route for gas supplies to the West of Cumbria (Keswick, Wigton, Cockermouth, Workington and Whitehaven, along with all the smaller towns and villages on the West Coast of Cumbria which enjoy a gas supply). It is in this context that NGN has the benefit of rights (in the form of easements) over land which is included in the CPO. In addition, and similarly, the CPO also includes land over which NGN has rights, (in the form of easements) over both private land and land comprising public highway, in connection with its low and medium pressure gas networks.

- 17.2.5 The Council's understanding is that the CSLR Scheme will affect NGN's regional high pressure main, as well as a separate medium pressure main. These gas mains will need to be relocated (on the same alignment, but at a greater depth below the surface of the new classified road).
- 17.2.6 In order to protect its above-mentioned assets, NGN invites the Council to enter into an Asset Protection Agreement, in the form of a deed comprising NGN's standard terms (a copy of which it has provided to the Council). NGN suggests that if the Asset Protection Agreement was entered into by the Council, NGN would be minded to withdraw its objection to the CPO.
- 17.2.7 **The Council's response to Northern Gas Networks' objection**
- 17.2.8 The Council is keen to work with NGN to secure the diversion of NGN's high pressure gas main and medium pressure gas main which are proposed to be affected by the CSLR Scheme. Accordingly, the Council is currently reviewing the terms of NGN's standard Asset Protection Agreement in the context of the CSLR Scheme proposals, with a view to agreeing terms which are acceptable to both parties.
- 17.2.9 **OBJECTION NO.2 – Electricity North West Limited – objection to the CPO**
- 17.2.10 Electricity North West Limited ("**ENW**") is one of fourteen licensed regulated electricity distribution network operators in England, Scotland and Wales. ENW owns, operates and maintains the electricity distribution network in the north west of England, connecting in excess of 2.4 million properties and more than 5 million people in the North West region to the National Grid.
- 17.2.11 The electricity substation at Newby West roundabout (comprising the junction of the A595 Wigton Road with the A689 Carlisle Northern Development Route at Peter Lane) is part of the network of assets owned, operated and maintained by ENW in connection with the carrying out of its statutory undertaking to supply and distribute electricity in the North West region.
- 17.2.12 The substation is located on land which is owned by ENW and which, accordingly, is used by ENW for the purposes of its statutory undertaking. That land is included in the CPO, referenced as plot 1/8a.
- 17.2.13 ENW objects to the inclusion of plot 1/8a in the CPO for the following reasons:
- (i) Within the Council's Statement of Reasons in support of the CPO (and SRO) there is specific reference to ENW's interest in the substation. Paragraph 12.5.2 of the Statement of Reasons states that "...the substation will need to be relocated and there is an agreement in principle for this." ENW objects to this statement on the basis that whilst it is open to discussion, no alternative site has yet been proposed for ENW's consideration and therefore no such agreement has been reached.
- (ii) The Council's Statement of Reasons states, at paragraph 12.6.2, that "... *Whilst the CPO contains land and interests in land owned by statutory undertakers, statutory bodies and telecoms providers, negotiations for the voluntary acquisition by agreement of such land or new rights and discussions for any necessary diversion agreements are being progressed.*" However, ENW states that this is not currently the case in respect of ENW's interests in

land; and accordingly, ENW objects to the CPO under section 16 of the Acquisition of Land Act 1981.

(iii) Acquisition by the Council of ENW's above-mentioned electricity substation could have an impact on the human rights of ENW's customers, should they be denied an electricity supply as a result of the CPO, in the event that the Council has not agreed an alternative location for the substation with ENW.

(iv) ENW cites the requirements in "paragraphs 24 and 25 of Part 1 to ODPM Circular 06/2004" and indicates that the Council has not observed this Government guidance, in that *"to date [it] has not sought to negotiate with ENW in respect of the acquisition of the electricity substation at Newby West roundabout."*

17.2.14 ENW confirms that it welcomes discussions and wishes to work constructively with the Council so that appropriate arrangements can be made for the provision of a suitable replacement substation site. Until agreement has been reached in this regard, ENW intends to uphold its objection in order to protect its above-mentioned asset network and to ensure security of electricity supply to its customers. However, ENW suggests that if agreement could be reached with the Council regarding the substation and its relocation, ENW would be minded to consider withdrawal of its objection to the CPO.

17.2.15 **The Council's response to Electricity North West Limited's objection**

17.2.16 **Ground (i):** The Council had no intention of overstating the progress of the discussions in which it had engaged with ENW prior to the publication of the Orders and the related Statement of Reasons. The wording in paragraph 12.5.2 of the Council's Statement of Reasons (as cited in Ground (i) of ENW's objection) was intended to reflect the fact that discussions had been held between the Council and ENW about the need for the substation to be relocated in order to accommodate the CSLR Scheme, and to record the fact that some consideration had been given by both parties, in discussions, to potential alternative sites on which the substation might be relocated. The wording in the Statement of Reasons was intended to refer to both parties' acknowledgement of the need for the substation to be relocated. It was not intended to suggest that an alternative location had been accepted by ENW or that the terms of the relocation had been settled between the parties. Work in this regard is ongoing.

17.2.17 **Ground (ii):** The Council understands ENW's desire to protect its position as a statutory undertaker and appreciates that the Council's acquisition of any interests in land owned by ENW for the purposes of its statutory undertaking must necessarily be taken forward by agreement rather than through compulsory acquisition. The land in question, however, still needs to be included in the CPO because it is possible that it may be subject to the interests of other parties (besides ENW) which might also need to be acquired by the Council, potentially through the exercise of its powers of compulsory acquisition. It would be imprudent of the Council to exclude from the CPO any land required to enable the delivery of the Scheme. Land ownership is not static and it is possible that the ownership of interests in land may change during the development of a project or whilst statutory orders, such as the CPO and SRO, are progressed. For these reasons, land in which ENW has an interest has been included in the CPO; however, as stated in the Statement of Reasons, it is the Council's intention to progress negotiations for the voluntary acquisition by agreement of ENW's land.

- 17.2.18 **Ground (iii):** The Council is of the view that the human rights of ENW's customers will not be interfered with by reason of their being denied an electricity supply as a result of the CPO. As explained above, the Council is working with ENW to identify an acceptable alternative site to accommodate the relocation of the substation. The Council's understanding is that the alternative site will need to be made available by the Council to facilitate the carrying out of the relocation works before the existing substation is decommissioned. As such, it is neither intended nor anticipated that there will be any disruption in the supply of electricity to ENW's customers. It is the Council's expectation that it will enter into a side agreement with ENW to secure the terms on which the substation will be relocated, and that the costs of such relocation will be met by the Council. The Council envisages that once the side agreement has been entered into, ENW's position (and that of its customers) will be adequately protected by the terms of that agreement, such that ENW's objection to the CPO can be withdrawn.
- 17.2.19 **Ground (iv):** The Council notes that Circular 06/04, to which ENW refers in its objection, was withdrawn in October 2015 and has been replaced by current guidance issued by the Department for Housing, Communities and Local Government: *Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion* ("the Guidance"). However, the most recently updated version of the Guidance (from July 2019) does (at section 2) include advice on very similar lines to that set out in paragraphs 24 and 25 of the cancelled Circular 06/04.
- 17.2.20 Whilst that advice recommends the exercise of powers of compulsory purchase as a last resort and urges acquiring authorities to negotiate to acquire land by agreement wherever possible, it also advocates the making of a CPO by the acquiring authority in parallel with those negotiations. This 'parallel approach' is recommended in the interests of avoiding delay to projects, which may arise where landowners are not persuaded of the seriousness of the promoter's intentions, and to guard against the delay which can be caused by unduly protracted negotiations with landowners. In this context, the Council's approach is appropriate.
- 17.2.21 The Council has records of discussions held with ENW in 2019 regarding the anticipated impacts of the CSLR Scheme on ENW's assets and the need for consequential diversions of apparatus, relocation of the substation and acquisition of land. The Council's discussions with ENW on these matters are currently continuing with the aim of finding an agreed solution, the contractual terms of which can be documented in a legally binding side agreement. As explained above, the Council's aim is that ENW's objection to the CPO will be withdrawn once the side agreement has been entered into.
- 17.2.22 **OBJECTION NO.3 – Network Rail Infrastructure Limited – objection to the CPO and SRO**
- 17.2.23 Network Rail Infrastructure Limited ("**Network Rail**") objects to the Orders on the grounds that the proposals contained in the Orders would adversely affect operational railway land.
- 17.2.24 Network Rail explains, in its objection, that, "*As a requirement of Network Rail's licence for operating the railway, any land and any permanent or temporary rights required for disposal and works to be undertaken in connection with [the Orders] will need to be submitted for approval through Network Rail's internal Clearance consultation process and approval*

certificates will need to be issued before Network Rail can consider withdrawing its objection."

17.2.25 Network Rail also confirms, in its objection, that, "*Any access to and any works to be undertaken on or over Network Rail's land must only be undertaken in accordance with an appropriate Asset Protection Agreement which will need to be entered into by [the Council]."*

17.2.26 The Council's response to Network Rail's objection

17.2.27 The Council understands that the creation and acquisition of any new rights over land which is owned by Network Rail for purposes relating to the carrying out of its undertaking may only proceed by agreement with Network Rail. The Council is currently engaging with the 'Clearance' consultation process referenced in Network Rail's objection to the Orders.

17.2.28 The Council has recently attended two meetings with Network Rail in connection with the CSLR Scheme. Network Rail has indicated that it would be in a position to withdraw its objection to the Orders subject to the satisfactory conclusion of the following procedures:

(i) The Council supplies additional information to Network Rail, as requested by Network Rail, to enable the Clearance process to be progressed internally within Network Rail. The Clearance process includes a two-week period for business case clearance and a six-week period for technical case clearance. Shortly before the publication of this Statement of Case, the Council provided the information requested by Network Rail.

(ii) Once Clearance has been granted by Network Rail, the Council will be required to enter into a Deed of Understanding with Network Rail. The Deed would reflect the terms of the Clearance as based on the information previously provided to Network Rail by the Council.

(iii) Once the Deed of Understanding had been entered into, Network Rail would be in a position to withdraw its objection to the Orders.

The Council is content to observe these requirements and to engage with Network Rail on the basis outlined above, and anticipates that it will be in a position to enter into the Deed of Undertaking – and to secure the withdrawal of Network Rail's objection to the Orders – prior to the public inquiry which is proposed to be held in respect of the Orders in the summer of 2021.

17.3 Objections from land owners, occupiers and land agents

17.3.1 **Objections submitted by land agent Matthew Bell of Edwin Thompson Chartered Surveyors (OBJECTION NOS. 4 – 13 inclusive)**

17.3.2 **OBJECTION NO.4 – Mr Joseph Thomlinson MARRS, Mr Joseph Thomlinson MARRS and Mrs Elspeth Mary MARRS of Broomhills Farm, Orton Road, Carlisle CA5 6JR – objection to the CPO and SRO**

17.3.3 Mr Joseph Thomlinson MARRS, Mr Joseph Thomlinson MARRS and Mrs Elspeth Mary MARRS (together "**the MARRS family**") object to the Orders on the grounds that:

(i) Notice of the making of the CPO was not served on all persons with an interest in plots 2/15 of the CPO.

(ii) Plots 2/15j and 2/15k are identified in the CPO documentation as being required by the Council for the diversion of utilities. However, no justification has been provided by the Council for the size of the plots. Specifically, "*There should be further justification provided as to why these areas need to be as large and if this cannot be provided the areas should be reduced in size.*"

(iii) Plot 2/15n should be diverted around the adjoining landowner's field as it provides access to the adjoining landowner's land; this will lessen the impact on the Marrs family's land.

17.3.4 **The Council's response to the Marrs family's objection**

17.3.5 **Ground (i):** As is noted above, the Marrs family's objection was submitted on behalf of three members of the Marrs family, two of whom have exactly the same name: Mr Joseph Thomlinson Marrs.

17.3.6 Unfortunately, due to confusion arising from the identical nature of the two names, notice of the making of the CPO was only served on two members of the Marrs family (i.e. on one of the Mr Joseph Thomlinson Marrs and on Mrs Elspeth Mary Marrs).

17.3.7 Whilst the Council apologises for this, it would submit that no prejudice has in fact been suffered by the Marrs family member who did not receive a separate, specifically personally-addressed notice of the making of the CPO. The Council's submission that no prejudice occurred would appear to be substantiated by the fact that the objection to the Orders has been submitted by, or on behalf of, *both* persons named Mr Joseph Thomlinson Marrs. This would suggest that both persons of that name are aware of the making of the Order and are participating fully and effectively in the process of expressing their views on the Order and on the impacts which it, and the CSLR Scheme to which it relates, may have on the land in which they have an interest.

17.3.8 **Ground (ii):** Plots 2/15j and 2/15k are included in the CPO to facilitate the diversion of two existing United Utilities water mains (one of which is an existing 315mm diameter main, and the other is an existing 450mm diameter main). The existing trunk water mains run beneath the proposed alignment of the new classified road (i.e. the CSLR itself) in the location of these plots.

17.3.9 The area of the land identified as necessary to facilitate the diversion of the water mains is based on two factors: first, on information provided to the Council by United Utilities in its capacity as the statutory undertaker responsible for the operation and maintenance of the water mains, and secondly on a judgement made by the engineering team responsible for the preliminary design of the CSLR Scheme. This judgement took into consideration the area of land identified by United Utilities (in details provided to the Council) as being necessary to facilitate the relevant utility diversion, as well as an assessment of the amount of working space which a contractor might reasonably require to undertake the diversion. This judgement was based on the prior experience of the engineering team, gained from involvement in other projects similar to the CSLR Scheme.

17.3.10 Where land is required on a temporary basis it must be acquired in the first instance, pursuant to one of the specific powers in the Highways Act 1980. Once the works have

been completed, any surplus land may be returned to the original landowner in accordance with the Crichel Down Rules, set out in guidance issued by the Department for Housing, Communities and Local Government: *Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion* (most recently updated in July 2019).

- 17.3.11 On the basis of the information currently available to it, the Council considers that all of the land included in the CPO is essential for the delivery of the CSLR Scheme. However, the Council is committed to trying to reduce the amount of land required on a temporary basis (for instance, to provide working space during the construction process) and will continue to have regard to such considerations throughout its ongoing dialogue with United Utilities regarding the water main diversions and during the planned future detailed design stage of the CSLR Scheme.
- 17.3.12 **Ground (iii):** The Council notes that whilst the Marrs family previously made a request for the access track (i.e. private means of access Reference 12g in the SRO), which is proposed to be provided on land comprising plot 2/15n, to be partially relocated on adjoining land (not in the Marrs' ownership), the Council has already adjusted the proposed alignment of the track in response to earlier comments submitted by the Marrs family in relation to the planning application for the CSLR Scheme.
- 17.3.13 The Council previously endeavoured to facilitate potential land swaps in this location to prevent the need for two access tracks to be provided. The Council previously prepared drawings to illustrate, to all parties involved, the potential benefits of such a land swap; the Council also asked the relevant land agents to discuss this potential solution with their clients; regrettably however, no such solution was progressed any further. Had it been possible to agree a land swap, it would not have been necessary for the Council to seek to acquire land from two of the landowners affected by the CSLR Scheme simply to provide access to the same two landowners, across each other's land – as is the case here.
- 17.3.14 With regard to this ground of the Marrs family's objection (which proposes a different solution from the suggested land swap solution referred to above), the Council is not minded to amend the track in the manner now suggested by the Marrs family. This is because such further realignment would give rise to the following new issues:
- (a) it would require the removal of two short sections of hedgerow (which are not currently proposed to be removed);
 - (b) it would require the construction of two additional structures to enable the access track to pass (twice) over an existing drainage ditch; and
 - (c) it would require the acquisition of additional land from an adjoining landowner – the Kerr family – whose land is already affected by the CSLR Scheme. Whilst the access track (within plot 2/15n, owned by the Marrs family) is required for use by the Kerr family to access its land, it should also be noted that on the south side of the proposed alignment of the CSLR (classified road), a means of access to severed land which will remain in the ownership of the Marrs family is proposed to be provided over land owned by the Kerr family (in plots 2/18k and 2/18l).
- 17.3.15 Accordingly, the Council does not propose to relocate the access track which is currently proposed to be provided within plot 2/15n.

17.3.16 OBJECTION NO.5 – Mr and Mrs Wrennall of Kingrigg Farm, Newby Cross, Carlisle CA5 6JP – objection to the CPO and SRO

17.3.17 Mr and Mrs Wrennall object to the Orders on the grounds that plot 1/4f is identified in the CPO documentation as being required by the Council for the diversion of utilities. However, the area in question is considered to be too large for this purpose and Mr and Mrs Wrennall are of the view that no justification has been provided as to why such a large area needs to be taken to accommodate the utility diversion; evidence in support of the proposed land take should be provided and, if it cannot be provided, then plot 1/4f should be removed from the CPO.

17.3.18 The Council's response to Mr and Mrs Wrennall's objection

17.3.19 Plot 1/4f is included in the CPO to facilitate the diversion of two separate sets of statutory undertakers' apparatus: first, the diversion of two overhead 33kV electricity supplies to pass (once relocated) beneath the proposed CSLR (classified road); and secondly, the diversion of a medium pressure gas main which runs under the proposed alignment of the CSLR (classified road).

17.3.20 The area of the land identified as necessary to facilitate the diversion of the statutory undertakers' apparatus is based on two factors: first, on information provided to the Council by the statutory undertakers responsible for the operation and maintenance of the apparatus, and secondly on a judgement made by the engineering team responsible for the preliminary design of the CSLR Scheme. This judgement took into consideration the area of land identified by the relevant statutory undertakers (in details provided to the Council) as being necessary to facilitate the relevant utility diversions, as well as an assessment of the amount of working space which a contractor might reasonably require to undertake the diversions. This judgement was based on the prior experience of the engineering team, gained from involvement in other projects similar to the CSLR Scheme.

17.3.21 Where land is required on a temporary basis it must be acquired in the first instance, pursuant to one of the specific powers in the Highways Act 1980. Once the works have been completed, any surplus land may be returned to the original landowner in accordance with the Crichel Down Rules, set out in guidance issued by the Department for Housing, Communities and Local Government: *Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion* (most recently updated in July 2019).

17.3.22 On the basis of the information currently available to it, the Council considers that all of the land included in the CPO is essential for the delivery of the CSLR Scheme. However, the Council is committed to trying to reduce the amount of land required on a temporary basis (for instance, to provide working space during the construction process) and will continue to have regard to such considerations throughout its ongoing dialogue with the relevant statutory undertakers regarding the diversions and during the planned future detailed design stage of the CSLR Scheme.

17.3.23 OBJECTION NO.6 – Mr and Mrs Hayton of Peastree Farm, Durdar, Carlisle CA5 7LJ – objection to the CPO and SRO

17.3.24 Mr and Mrs Hayton object to the Orders on the following grounds:

(i) Plots 3/27l, 4/27g and 4/27j are identified in the CPO documentation as being required by the Council either for the diversion of utilities or to provide working space. However, no justification has been provided by the Council for the size of the plots. Mr and Mrs Hayton are of the view that if adequate justification cannot be provided, these plots should be removed from the CPO.

(ii) Mr and Mrs Hayton have serious concerns regarding the Council's "*proposals to move the drainage basin of the scheme which will see much more highway and non-highway drainage being drained through Peastree Farm to discharge into the River Caldw*". Mr and Mrs Hayton observe that "*There has been limited work done to date on this and further understanding of this is required before the orders are approved.*"

(iii) Mr and Mrs Hayton also note that to date they have had limited discussions with the Council regarding the impact of the CSLR Scheme on the farming business carried on at Peastree Farm; this should be noted and addressed if possible.

17.3.25 **The Council's response to Mr and Mrs Hayton's objection**

17.3.26 **Ground (i):** Plots 3/27l, 4/27g and 4/27j are included in the CPO to facilitate the diversion of an existing United Utilities 315mm diameter trunk water main.

17.3.27 The area of the land identified as necessary to facilitate the diversion of the water main is based on two factors: first, on information provided to the Council by United Utilities in its capacity as the statutory undertaker responsible for the operation and maintenance of the water main, and secondly on a judgement made by the engineering team responsible for the preliminary design of the CSLR Scheme. This judgement took into consideration the area of land identified by United Utilities (in details provided to the Council) as being necessary to facilitate the relevant utility diversion, as well as an assessment of the amount of working space which a contractor might reasonably require to undertake the diversion. This judgement was based on the prior experience of the engineering team, gained from involvement in other projects similar to the CSLR Scheme.

17.3.28 Where land is required on a temporary basis it must be acquired in the first instance, pursuant to one of the specific powers in the Highways Act 1980. Once the works have been completed, any surplus land may be returned to the original landowner in accordance with the Crichel Down Rules, set out in guidance issued by the Department for Housing, Communities and Local Government: *Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion* (most recently updated in July 2019).

17.3.29 On the basis of the information currently available to it, the Council considers that all of the land included in the CPO is essential for the delivery of the CSLR Scheme. However, the Council is committed to trying to reduce the amount of land required on a temporary basis (for instance, to provide working space during the construction process) and will continue to have regard to such considerations throughout its ongoing dialogue with United Utilities regarding the water main diversions and during the planned future detailed design stage of the CSLR Scheme.

17.3.30 **Ground (ii):** Mr and Mrs Hayton's concerns regarding drainage are noted; however, the Council wishes to affirm that a significant volume of work has already been undertaken in relation to the highway drainage proposals for the CSLR Scheme in conjunction with the

relevant statutory regulators (i.e. the Environment Agency and the Lead Local Flood Authority). In addition to such work, the Council is already progressing further investigative work in relation to existing private drainage arrangements and will look to engage with all landowners throughout the detailed design stage of the CSLR Scheme to seek such landowners' input into, and to provide further information to them on, the development of the detailed drainage design. Such engagement is secured by planning condition no.5 (Detailed Surface Water Drainage Scheme), which requires the Council to submit, for approval by the local planning authority before construction of the CSLR Scheme begins, a detailed surface water drainage scheme which must include "*full engineering details of the proposed drainage infrastructure including detailed plans of drainage arrangements - for the avoidance of doubt this shall include full details of existing drainage infrastructure that the scheme connects into...*" and "*an explanation of how the details of existing land drainage systems obtained as part of Condition 17 (Management of Agricultural Interests during the Construction Phase) have been taken into account in the development of the proposed drainage infrastructure*".

- 17.3.31 **Ground (iii):** The Council has attended five meetings with Mr Hayton and/or his representative in which the impacts of the CSLR Scheme on Peastree Farm have been discussed. During these meetings, which took place on 20 March 2019, 29 October 2019, 31 January 2020, 2 September 2020 and 18 December 2020, the Council sought to understand what accommodation works may potentially be required in relation to land at Peastree Farm.
- 17.3.32 During the meeting held on 2 September 2020, which took place at Peastree Farm, a number of significant points were raised by Mr Hayton and his representative and the Council is continuing to work with Mr Hayton to develop accommodation works to mitigate the concerns raised. Currently, however, the Council continues to await further details from Mr Hayton's representative; once such information is received by the Council, further progress towards identifying a suitable package of accommodation works will be possible.
- 17.3.33 The Council also notes that engagement on such matters is required by planning permission condition no. 17 (Management of Agricultural Interests during the Construction Phase), which requires the Council to submit, for approval by the local planning authority before construction of the CSLR Scheme begins, details of the engagement it has undertaken with all directly affected agricultural tenants and landowners in respect of (among other things):
- "*ascertaining their existing infrastructure and needs in terms of land and stock management and land access (for example in connection with land/field drainage provisions, agricultural water supplies, bio-security, stock movement and stock handling requirements etc...)*;
 - "*the proposed accommodation works for addressing the needs of farm units so as to facilitate the continuation of farming practises during the construction phase; and*
 - "*the proposed bio-security measures to be employed.*"

17.3.34 OBJECTION NO.7 – Mr and Mrs McIntosh of 42 Grace Lane, Carlisle CA2 6BA – objection to the CPO and SRO

17.3.35 Mr and Mrs McIntosh object to the Orders on the following grounds:

(i) Plots 2/19d and 2/19e are identified in the CPO documentation as being required by the Council for the diversion of utilities. However, no justification has been provided by the Council for the size of the plots. Mr and Mrs McIntosh seek justification for the size of these plots and are of the view that if adequate justification cannot be provided, then these plots should be significantly reduced in size.

(ii) Mr and Mrs McIntosh have concerns about the proximity of plot 2/19e to their residential property and consider that the works which are proposed to be carried out on this plot will have a significant impact on the residential amenity of the property.

(iii) Mr and Mrs McIntosh also object, on safety grounds, to the design of the proposed junction "*leading from plot 2/19f to Dalston Road*". They consider that "*this turn out will be very unsafe*" and suggest that "*further design work is required to review the safety of this private means of access.*"

17.3.36 The Council's response to Mr and Mrs McIntosh's objection

17.3.37 **Ground (i):** Plots 2/19d and 2/19e are included in the CPO to facilitate the diversion of existing assets owned by Northern Gas Networks and Electricity North West. The diversion works proposed on plots 2/19d and 2/19e comprise: the diversion and lowering of an existing 450mm diameter medium pressure gas main; and the diversion and relocation of existing 33kV overhead cables to underground, beneath the proposed alignment of the new classified road (i.e. the CSLR itself) in the location of these plots.

17.3.38 The area of the land identified as necessary to facilitate these diversions is based on two factors: first, on information provided to the Council by Northern Gas Networks and Electricity North West in their respective capacities as the statutory undertakers responsible for the operation and maintenance of the gas main and the overhead cables, and secondly on a judgement made by the engineering team responsible for the preliminary design of the CSLR Scheme. This judgement took into consideration the area of land identified by the relevant statutory undertakers (in details provided to the Council) as being necessary to facilitate the utility diversions, as well as an assessment of the amount of working space which a contractor might reasonably require to undertake the diversions. This judgement was based on the prior experience of the engineering team, gained from involvement in other projects similar to the CSLR Scheme.

17.3.39 Where land is required on a temporary basis it must be acquired in the first instance, pursuant to one of the specific powers in the Highways Act 1980. Once the works have been completed, any surplus land may be returned to the original landowner in accordance with the Crichel Down Rules, set out in guidance issued by the Department for Housing, Communities and Local Government: *Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion* (most recently updated in July 2019).

17.3.40 On the basis of the information currently available to it, the Council considers that all of the land included in the CPO is essential for the delivery of the CSLR Scheme. However, the Council is committed to trying to reduce the amount of land required on a temporary basis

(for instance, to provide working space during the construction process) and will continue to have regard to such considerations throughout its ongoing dialogue with Northern Gas Networks and Electricity North West regarding the gas main and overhead cable diversions and during the planned future detailed design stage of the CSLR Scheme.

- 17.3.41 **Ground (ii):** The Council notes that plot 2/19e is in close proximity to Mr and Mrs McIntosh's residential property and associated outbuildings; however, on the basis of the information currently available to it, the Council considers that all of the land included in plot 2/19e is essential for the delivery of the above-mentioned utility diversions (see response to Ground (i) above). However, as also mentioned above, the Council is wholly committed to trying to reduce the amount of land required on a temporary basis in this location and to seeking to minimise the temporary impacts of the utility diversion works on the amenity of the residential property, given the proximity of the proposed works to that property.
- 17.3.42 **Ground (iii):** The preliminary design of the junction referred to in Mr and Mrs McIntosh's objection meets current design standards for this class of road; however, as Mr and Mrs McIntosh have noted, further development of the junction design will be undertaken as part of the detailed design stage of the CSLR Scheme and this will be subject to mandatory Safety Audits. Furthermore, the detailed design of access tracks and private means of access included in the CSLR Scheme are required to be submitted to the local planning authority for approval in writing prior to their construction, in accordance with condition no. 32 (Private Roads and Access Tracks) to which the planning permission for the CSLR Scheme is subject.
- 17.3.43 **OBJECTION NO.8 – Mrs Oglanby of Wilstan, Wood Lane, Carlisle CA4 0RF – objection to the CPO and SRO**
- 17.3.44 Mrs Oglanby objects to the Orders on the grounds that the construction of the CSLR Scheme will have a significant impact upon the residential amenity of her home, residential property known as Wilstan
- 17.3.45 **The Council's response to Mrs Oglanby's objection**
- 17.3.46 The Council included a number of mitigation measures in the preliminary design phase for this element of the CSLR Scheme; these included the proposed construction of an earth bund (with a nominal 3m height), as well as a large amount of proposed new planting around the Brisco roundabout and on the bund itself, to help screen the property known as Wilstan. Following discussions with Mrs Oglanby's land agent, and in response to a request from Mrs Oglanby, the Council has further extended the length of the proposed earth bund.
- 17.3.47 It is noted, in this context, that the screening which is proposed to be planted will take time to become established, however, the landscape assessment (which formed part of the CSLR Scheme planning application) concludes that by the summer of Year 15 of the CSLR Scheme operation (i.e. 15 years after the CSLR Scheme is opened to traffic) mitigation (including matured planting) will have reduced the worst impacts of the CSLR Scheme on the property to "slight adverse".

17.3.48 OBJECTION NO.9 – Mrs Bell of Langdale, Saw Pit Wood, Carlisle CA4 0RE – objection to the CPO and SRO

17.3.49 Mrs Bell objects to the Orders on the following grounds:

(i) Plots 5/43c and 4/43h are identified in the CPO documentation as being required by the Council for the CSLR Scheme. However, Mrs Bell is of the view that these plots are not required for the CSLR Scheme and that they should be removed from the CPO.

(ii) Mrs Bell also has concerns about the potential for her property, Langdale, to be subject to significant overlooking and to increased noise and light impacts arising from the CSLR Scheme. Mrs Bell requests that appropriate amendments are made to the CSLR Scheme prior to approval of the CPO.

17.3.50 The Council's response to Mrs Bell's objection

17.3.51 **Ground (i):** Plot 5/43c is included in the CPO to provide working space to facilitate the establishment, during the construction stage, of the essential mitigation planting that is proposed to be provided within the adjoining plot 5/43h.

17.3.52 Plot 5/43h is required to enable the Council to provide essential mitigation for the impacts of the CSLR Scheme; the proposed mitigation comprises the planting of broadleaf woodland. This is essential in the context of the requirement for the CSLR Scheme to deliver biodiversity net gain, which is secured by planning conditions (e.g. condition no.8 (Detailed Landscaping Scheme and Plans); and condition no.39 (Habitat and Species Monitoring and Habitat Maintenance Scheme). This particular area of woodland is included within the CSLR Scheme for the specific purpose of providing new foraging and commuting habitat for barn owls and bats, as is explained in the Landscape Strategy Report and the (Environmental) Mitigation Schedule (Impact Mitigation Reference NC37) which accompanied the CSLR planning application.

17.3.53 During discussions with Mrs Bell's representative, the Council was given to understand that Mrs Bell might be disposed towards retaining title to the land in plot 5/43c whilst allowing the woodland to be planted and maintained on it, in accordance with contractual terms which would need to be agreed with the Council. The Council is conducting its preliminary internal review of such an option and may potentially consider proceeding with this solution if the requirements of both parties can be satisfied.

17.3.54 **Ground (ii):** The Council does acknowledge that, in the short to medium term, overlooking from the ramps to the cycle overbridge may be an issue for occupants of the property known as Langdale. However, as explained above, the Council is proposing (and is obliged, by virtue of conditions attached to the planning permission for the CSLR Scheme) to deliver mitigation in the form of a large amount of planting in this location and as such, once the planting has become established, the potential for overlooking is expected to be significantly reduced. Furthermore, in the short term, the potential for overlooking can reasonably be expected to be limited, due to the fact that usage of the cycle overbridges is expected to be low, initially, increasing gradually as phases of the proposed St Cuthbert's Garden Village are brought forward over a period of years.

17.3.55 **OBJECTION NO.10 – The Chance Family c/o Matthew Bell at Edwin Thompson of FIFTEEN Rosehill, Montgomery Way, Carlisle CA1 2RW – objection to the CPO and SRO**

17.3.56 The Chance family objects to the Orders on the following grounds:

(i) Plots 1/6b and 1/6c are identified in the CPO documentation as being required by the Council for utility diversions and for working space. However, the Chance family is of the view that no justification has been provided for the size of the plots, which are considered to be too large for these purposes. The Chance family considers that without adequate justification for their size, these plots should be removed from the CPO.

(ii) The Chance family also objects to the diversion of Fairy Beck. As the owners of land which drains into Fairy Beck, they are concerned that "*no works have been carried out to understand if this diversion will allow [their] field to continue to drain into Fairy Beck*" and that "*this could have an adverse impact on the field*".

17.3.57 **The Council's response to the Chance family's objection**

17.3.58 **Ground (i):** The size of plot 1/6b is essentially based on a 10m offset from the toe of the embankment that is proposed to be constructed to support the ramp to the cycle overbridge at the improved Newby West roundabout. This is the amount of working space which is currently anticipated to be required to facilitate the safe construction of the embankment. However, during the detailed design phase of the CSLR Scheme, further consideration will be given to whether or not it may be possible to reduce the area of working space required.

17.3.59 Similarly, at this early stage, all of the land comprised in plot 1/6c is currently expected to be required to facilitate utility diversions. As the detailed design work is progressed in due course, however, and as further clarity is gained regarding the scope of the utility diversions required at this location, there may potentially be opportunities for the Council use a smaller area of land than that currently comprised in the whole of plot 1/6c; and where that is the case, the Council's approach would be to use only the part of plot 1/6c which is actually required in connection with the utility diversions.

17.3.60 Where land is required on a temporary basis it must be acquired in the first instance, pursuant to one of the specific powers in the Highways Act 1980. Once the works have been completed, any surplus land may be returned to the original landowner in accordance with the Crichel Down Rules, set out in guidance issued by the Department for Housing, Communities and Local Government: *Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion* (most recently updated in July 2019).

17.3.61 **Ground (ii):** The Council notes the Chance family's concerns about the potential for drainage issues to arise in connection with the diversion of Fairy Beck. However, the Council wishes to affirm that a significant volume of work has already been undertaken in relation to the highway drainage proposals for the CSLR Scheme, in conjunction with the relevant statutory regulators (i.e. the Environment Agency and the Lead Local Flood Authority). In addition to such work, the Council is already progressing further investigative work in relation to existing private drainage arrangements and will look to engage with all landowners throughout the detailed design stage of the CSLR Scheme to seek such landowners' input into, and to provide further information to them on, the development of

the detailed drainage design. Such engagement is secured by planning condition no.5 (Detailed Surface Water Drainage Scheme), which requires the Council to submit, for approval by the local planning authority before construction of the CSLR Scheme begins, a detailed surface water drainage scheme which must include *"full engineering details of the proposed drainage infrastructure including detailed plans of drainage arrangements - for the avoidance of doubt this shall include full details of existing drainage infrastructure that the scheme connects into and shall cover the northern end of the new Durdar Link Road and Fairy Beck"*.

17.3.62 OBJECTION NO.11 – Mr Matthew Bell of Sunnyvale, Highbridge, Dalston, Carlisle CA5 7DR – objection to the CPO and SRO

17.3.63 Mr Bell (on behalf of himself as landowner) objects to the Orders on the following grounds:

(i) Plot 322c is identified in the CPO documentation as being required by the Council *"for the construction of the new public right of way (path south of Caldew Road, Cummersdale)"*. However, several documents submitted to support the CPO and recently approved planning application include reference to this track also being used by Network Rail to access its compound at Cummersdale Station. However, Network Rail does not have full rights of access over this area of land; it has rights over a small part, as granted when the railway was constructed, but not over the full section. Therefore the purpose of the proposed compulsory purchase is not clear to Mr Bell, who is of the view that no new rights should be granted to Network Rail.

(ii) Mr Bell objects to the proposed use of land in plots 3/22h, 3/22i and 3/22j as a public footpath. Mr Bell observed that, *"There is already a section of existing footpath 111006 along this section which is not impacted by the scheme, but there is also a section which isn't a footpath and there is no evidence to support why this needs to be dedicated as a footpath as part of this scheme. This element should be removed from the CPO."*

(iii) Mr Bell also objects to the diversion of the public footpath within plots 3/22m and 3/22n; he is of the view that *"there is no need to divert the current footpath as it will not be impacted by the footings of the proposed bridge and the footpath should be left in its current location"* as shown on the Council's Definitive Map.

17.3.64 The Council's response to Mr Bell's objection

17.3.65 **Ground (i):** Plot 3/22c is included in the CPO to facilitate the construction of a new public right of way (in the form of a cycle track with a right of way on foot (shown as reference F on Site Plan 3 of 6 comprised in the SRO) that will connect the new shared use path running along the side of the CSLR to Caldew Road in Cummersdale. New vehicular rights of access are also proposed to be provided over this plot exclusively for the benefit of the following parties: the current landowner (i.e. Mr Bell himself), Network Rail and the Council. These rights are based on the current known use of this access (e.g. by Mr Bell and Network Rail) and the future requirement for access by the Council. It is the Council's intention to engage in further dialogue with Mr Bell to explain these proposals more fully and to provide reassurance that where rights of access are currently in place that will continue to be the case with the CSLR Scheme in place.

- 17.3.66 **Ground (ii):** Plots 3/22h and 3/22i are included in the CPO to allow for a change in rights along the route of an existing footpath. The purpose of the new rights which are proposed to be created and acquired through the CPO is to enable the Council to have rights of vehicular access along this footpath to facilitate the future maintenance of the new river Caldew bridge (which will carry the mainline of the CSLR (classified road)). Further dialogue will be undertaken with the landowner to explain this and give the necessary reassurances regarding their concerns. As noted above (in relation to related Ground (i)), it is the Council's intention to engage in further dialogue with Mr Bell to explain these proposals more fully and to provide reassurance that where rights of access are currently in place that will continue to be the case with the CSLR Scheme in place.
- 17.3.67 The Council can confirm that plot 3/22j is not included in the CPO to facilitate the creation of a public footpath. This plot is included to make provision for a new drainage outfall from highway SUDS pond D.
- 17.3.68 **Ground (iii):** The Council understands the point raised by Mr Bell (in his capacity as landowner) regarding the proposed stopping up of footpaths FP114018 and FP111006 (the footpath number changes as it crosses the Parish boundary). However, it is a matter of fact that the position of the footpath on the ground varies from the location that is shown on the Definitive Map.
- 17.3.69 The position of the footpath on the ground is required to be diverted to accommodate the CSLR Scheme because one of the piers for the proposed River Caldew Bridge would – once constructed – encroach on part of the footpath (where it currently lies). Given the above, it will be necessary to change the physical location of part of the footpath and this is why it is proposed, in the Orders, to be stopped up (on part of its current alignment) and re-provided (on a new alignment which accommodates the new bridge pier).
- 17.3.70 Once the CSLR Scheme has been delivered and the affected parts of the footpath have been relocated, the Council intends to update the information included in the Definitive Map to ensure its accuracy and relevance.
- 17.3.71 **OBJECTION NO.12 – Mrs Jennifer Ann Workman of The Beeches, Carlton, Carlisle CA1 3DP – objection to the CPO and SRO**
- 17.3.72 Mrs Workman objects to the Orders on the following grounds:
- (i) Plots 6/46r, /46s and 6/46t are identified in the CPO documentation as being required by the Council for working space. However, Mrs Workman is of the view that no justification has been provided for the size of these plots, which are considered to be too large for these purposes. Mrs Workman notes that a contractor for the CSLR Scheme has yet to be appointed by the Council and considers that in the absence of adequate justification for their size, these plots should be removed from the CPO.
- (ii) Mrs Workman also notes that serious concerns have been raised in connection with the proposed underbridge, which is intended to provide accommodation access to agricultural land severed by the CSLR Scheme. The height of the bridge is considered inadequate to properly accommodate agricultural vehicles and Mrs Workman is concerned that this will limit the farming activities which can take place on the severed land which is to be accessed via the underbridge. As the underbridge provision is also proposed to

accommodate a well-used public footpath (being diverted as part of the Scheme) Mrs Workman is concerned about the Health & Safety aspects of such shared use, on the basis of the potential for conflict between public use of the footpath and large numbers of heavy agricultural vehicles and daily movement of livestock. Mrs Workman is of the view that the CPO should not be confirmed until this issue is addressed.

17.3.73 The Council's response to Mrs Workman's objection

17.3.74 **Ground (i):** Plots 6/46r, 6/46s and 6/46t have all been included in the CPO based on the requirement to provide temporary topsoil storage areas during the works construction stage. In determining projections for the size and location for these storage areas, the Council engaged with an experienced contractor, capable of constructing the works, in order to obtain their specialist input on these matters. The advice received was an important factor in the Council's identification of the temporary land use requirements included in the CPO. Given the above, the inclusion of these plots in the CPO, and their specific size, is viewed as essential.

17.3.75 **Ground (ii):** The Council has engaged in dialogue with Mrs Workman's land agent regarding the proposed means of access under the mainline CSLR, which is intended to be provided on the land comprised in plot 6/46rr. In response to this dialogue the Council has already increased the vehicle headroom under the proposed overbridge structure from 4.76m to 5.1m. During the dialogue regarding this means of access, the Council requested details of the heights of the agricultural vehicles which Mrs Workman considered would need to access the retained agricultural land. Those height details are currently still awaited. In the meantime, the Council notes that the headroom clearance of 5.1m (which is currently proposed in response to Mrs Workman's previous request) is greater than the standard minimum headroom clearance beneath overbridge structures on a public highway, which is 5.03m.

17.3.76 With regard to Mrs Workman's concerns about safety issues arising from the proposed shared use of the replacement agricultural access track with the public, for footpath purposes, the Council observes that such shared use is commonplace in the context of rural public rights of way. Indeed, there are many similar examples across the County, including one on the Carlisle Northern Development Route (CNDR), where Holme Lane passes beneath the CNDR.

17.3.77 Notwithstanding the prevalence of such shared-use arrangements, the Council will review the safety aspects of this element of the CSLR Scheme as part of the detailed design process.

17.3.78 OBJECTION NO.13 – Mr and Mrs Stewart of Burthwaite Croft, Wreay, Carlisle CA4 0RT – objection to the CPO and SRO

17.3.79 Mr and Mrs Stewart object to the Orders on the grounds that plot 5/39f is proposed to be acquired to accommodate the construction of a new private means of access to an adjoining landowner's parcel of land. Mr and Mrs Stewart consider that this access is unnecessary as access to the land may be gained from the other end of the field. They therefore seek the removal of plot 5/39f from the CPO.

17.3.80 The Council's response to Mr and Mrs Stewart's objection

- 17.3.81 The Council proposes to acquire the land comprised in plot 5/39f in order to provide a new/replacement private means of access (PMA Reference 33 on Site Plan 5 of 6 in the SRO) for the benefit of agricultural land adjoining the land owned by Mr and Mrs Stewart ("the adjoining land").
- 17.3.82 The Council acknowledges that, with the CSLR Scheme in place, the adjoining land will also be able to be accessed by means of an alternative access track at its eastern end (this would be in addition to the proposed private means of access at the western end of the adjoining land, to which Mr and Mrs Stewart's objection relates).
- 17.3.83 However, based on the Council's understanding of the adjoining landowner's current access arrangements, if access to the adjoining land could only be gained via the new access at the eastern end of the adjoining land, this would add approximately 1.5km to the distance that the adjoining landowner was required to travel to access the adjoining land. Given that this distance would be disproportionately lengthy, the Council is of the view that whilst the proposed private means of access at the western end of the adjoining land would comprise the primary means of access to the adjoining land, the additional access at the eastern end is also required to be provided as a reasonably convenient alternative, in satisfaction of the statutory tests relating to the stopping up and re-provision of private means of access.
- 17.3.84 The Council also considers that the current access proposal gains weight when considered in combination with the proposed provision (comprised in the CSLR Scheme) of another access track in a similar location, to enable access to and maintenance of the SUDS drainage pond E and other land in the area.
- 17.3.85 Notwithstanding the Council's position as set out above, the Council will aim to investigate the potential for alternative access arrangements with both of the relevant landowners, to understand whether any modification of the currently proposed access solution may be possible on terms which satisfy the needs and address the concerns of both parties.

17.3.86 Objections submitted by land agent Craig Brough of Hope's Auctioneers and Land Agents (OBJECTION NOS. 14 – 17 inclusive)

17.3.87 OBJECTION NO.14 – Mr Alfred Cowx Raven and Mr Ross Alfred Raven, t/a Messrs J Raven and Son, of Durdar House, Durdar, Carlisle CA5 7AU – objection to the CPO

17.3.88 Mr Alfred Cowx Raven and Mr Ross Alfred Raven, t/a Messrs J Raven and Son (together, "the Raven family") object to the Orders on the following grounds:

(i) Land which is not required to be permanently acquired is included in the CPO and as such is not within the scope of section 239(1) of the Highways Act 1980, as required for the construction of the highway.

(ii) The amount of land which is proposed to be acquired could be reduced by the removal (from the CSLR Scheme) of unnecessary elements such as overbridges for cycleways which require significant on and off ramps.

(iii) The land which is proposed to be acquired for utility diversions should not form part of the permanent land take as these can be dealt with by the service provider within the terms of their powers such as the Water Industry Act etc.

17.3.89 The Raven family has indicated, in its objection, that it would welcome a site meeting with the Council and the opportunity to discuss its concerns in more detail.

17.3.90 **The Council's response to the Raven family's objection**

17.3.91 **Ground (i):** Not all of the land included in the CPO is proposed to be acquired pursuant to the enabling power in section 239 of the Highways Act 1980. Section 239 is a widely drafted power which makes provision for the acquisition of land for the purposes of constructing a new highway or improving an existing highway and for improving or developing frontages to a highway or land adjoining or adjacent to a highway. However, the CPO for the CSLR Scheme is also made under other enabling powers in the Highways Act 1980 (see paragraph 1 of the CPO which cites sections 6, 239, 240, 246 249, 250 and 260 of the Highways Act 1980). In particular, in terms of responding to the Raven family's objection, the Council relies upon the enabling power in section 240 of the Highways Act 1980, which (when exercised pursuant to a confirmed CPO) authorises the Council to carry out works authorised by a confirmed Side Roads Order ("SRO") (e.g. in relation to side roads to classified roads, and new private means of access to premises). Section 240 also authorises the provision of new means of access to premises and the use of land in connection with the construction or improvement of a highway, or with the carrying out of works authorised by a SRO; and instances of such use arise where land is required for working space, or for the provision of access to a working site. The power in section 240 may also be used to authorise the diversion of a non-navigable watercourse (e.g. the Rivers Caldeu and Petteril, and Fairy Beck and Calflins Beck among others).

17.3.92 By way of further explanation, the current compulsory purchase legislation does not include an enabling power for the temporary possession of land. Where land is required on a temporary basis it must be acquired in the first instance, pursuant to one of the specific powers in the Highways Act 1980. Once the works have been completed, any surplus land may be returned to the original landowner in accordance with the Crichel Down Rules, set out in guidance issued by the Department for Housing, Communities and Local Government: *Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion* (most recently updated in July 2019).

17.3.93 Lastly, on this point, it is incumbent on the Council to include in the CPO all of the land required to deliver the CSLR Scheme. To exclude land from the CPO on the basis that it may only be required temporarily (e.g. for construction purposes) would undermine the case for the CPO and could present a potential impediment to the delivery of the CSLR Scheme and, by extension, a potential impediment to the confirmation of the CPO on grounds of inadequacy due to uncertainty around the deliverability of the CSLR Scheme.

17.3.94 In the context of the legal position which is outlined above, condition no. 14 (Temporary construction compound and bridge construction area plans), which attaches to the CSLR planning permission, makes it clear that the Council does not expect or intend to retain land permanently where it is only required temporarily for construction purposes.

- 17.3.95 In light of the above, the Council does not accept that Ground (i) of the Raven family's objection should be afforded any weight.
- 17.3.96 **Ground (ii):** The inclusion in the CSLR Scheme of overbridges and access ramps for cycleways is inextricably linked to the vision for the St Cuthbert's Garden Village, a key element of which involves proposals to provide safe and attractive infrastructure for non-motorised users, so as to encourage modal shift towards, and to increase public usage of, non-motorised modes of transport such as walking and cycling. These proposals received strong and positive public support during consultations on the CSLR Scheme and the St Cuthbert's Garden Village, such that, notwithstanding the Raven family's views as set out in its objection, the Council is not in a position to remove the cycleway overbridges, or the ramps which serve them, from the CSLR Scheme. Accordingly, Ground (ii) of the Raven family's objection – in particular the suggestion that the cycleway overbridges and associated ramps should be removed from the CSLR Scheme – is not accepted by the Council.
- 17.3.97 **Ground (iii):** The Council is unable to agree with the Raven family's suggestion that the land which is proposed to be acquired for utility diversions should not form part of the permanent land take, as proposed in the CPO. For the reasons explained in the Council's response to Ground (i) of the Raven family's objection, the Council's approach to the inclusion of temporary land and working space in the CPO is understood to be correct.
- 17.3.98 Furthermore, the Council does not accept the suggestion that provision for utility diversions required to enable the delivery of the CSLR Scheme should be excluded from the CPO on the basis that they can be dealt with by the relevant statutory undertakers under their own statutory powers. The adoption of such an approach, which can at best be described as piecemeal, would undermine the robustness of the Council's CPO case by introducing potential impediments to the delivery of the CSLR Scheme (for example through abnegation of the Council's ability to control key elements critical to the proper construction and future use of the CSLR Scheme). Such an approach would not satisfy the current tests for demonstrating a compelling case in the public interest which are required to be met when a CPO is promoted and compulsory purchase powers are sought by an acquiring authority such as the Council for a scheme such as the CSLR. Accordingly, the Council does not accept that Ground (iii) of the Raven family's objection should be afforded any weight.
- 17.3.99 In response to the Raven family's comment that it would welcome further engagement and dialogue with the Council, the Council agrees that this would be helpful to both parties and confirms its willingness to build on the previous engagement outlined in Section 9 (see Table 2 - Engagement with landowners) and Section 10 (Negotiations with landowners) of this Statement of Case.
- 17.3.100 **OBJECTION NO.15 – Messrs I & L Beaty of Durdar Farm, Durdar, Carlisle CA2 4TU – objection to the CPO**
- 17.3.101 Messrs I & L Beaty object to the Orders on the following grounds:
- (i) Land which is not required to be permanently acquired is included in the CPO and as such is not within the scope of section 239(1) of the Highways Act 1980, as required for the construction of the highway.

(ii) The amount of land which is proposed to be acquired could be reduced by the removal (from the CSLR Scheme) of unnecessary elements such as overbridges for cycleways which require significant on and off ramps.

(iii) The land which is proposed to be acquired for utility diversions should not form part of the permanent land take as these can be dealt with by the service provider within the terms of their powers such as the Water Industry Act etc.

17.3.102 Messrs I & L Beaty have indicated, in their objection, that they would welcome a site meeting with the Council and the opportunity to discuss their concerns in more detail.

17.3.103 **The Council's response to Messrs I & L Beaty's objection**

17.3.104 **Ground (i):** Not all of the land included in the CPO is proposed to be acquired pursuant to the enabling power in section 239 of the Highways Act 1980. Section 239 is a widely drafted power which makes provision for the acquisition of land for the purposes of constructing a new highway or improving an existing highway and for improving or developing frontages to a highway or land adjoining or adjacent to a highway. However, the CPO for the CSLR Scheme is also made under other enabling powers in the Highways Act 1980 (see paragraph 1 of the CPO which cites sections 6, 239, 240, 246 249, 250 and 260 of the Highways Act 1980). In particular, in terms of responding to Messrs I & L Beaty's objection, the Council relies upon the enabling power in section 240 of the Highways Act 1980, which (when exercised pursuant to a confirmed CPO) authorises the Council to carry out works authorised by a confirmed Side Roads Order ("SRO") (e.g. in relation to side roads to classified roads, and new private means of access to premises). Section 240 also authorises the provision of new means of access to premises and the use of land in connection with the construction or improvement of a highway, or with the carrying out of works authorised by a SRO; and instances of such use arise where land is required for working space, or for the provision of access to a working site. The power in section 240 may also be used to authorise the diversion of a non-navigable watercourse (e.g. the Rivers Caldeu and Petteril, and Fairy Beck and Calflins Beck among others).

17.3.105 By way of further explanation, the current compulsory purchase legislation does not include an enabling power for the temporary possession of land. Where land is required on a temporary basis it must be acquired in the first instance, pursuant to one of the specific powers in the Highways Act 1980. Once the works have been completed, any surplus land may be returned to the original landowner in accordance with the Crichel Down Rules, set out in guidance issued by the Department for Housing, Communities and Local Government: *Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion* (most recently updated in July 2019).

17.3.106 Lastly, on this point, it is incumbent on the Council to include in the CPO all of the land required to deliver the CSLR Scheme. To exclude land from the CPO on the basis that it may only be required temporarily (e.g. for construction purposes) would undermine the case for the CPO and could present a potential impediment to the delivery of the CSLR Scheme and, by extension, a potential impediment to the confirmation of the CPO on grounds of inadequacy due to uncertainty around the deliverability of the CSLR Scheme.

- 17.3.107 In the context of the legal position which is outlined above, condition no. 14 (Temporary construction compound and bridge construction area plans), which attaches to the CSLR planning permission, makes it clear that the Council does not expect or intend to retain land permanently where it is only required temporarily for construction purposes.
- 17.3.108 In light of the above, the Council does not accept that Ground (i) of Messrs I & L Beaty's objection should be afforded any weight.
- 17.3.109 **Ground (ii):** The inclusion in the CSLR Scheme of overbridges and access ramps for cycleways is inextricably linked to the vision for the St Cuthbert's Garden Village, a key element of which involves proposals to provide safe and attractive infrastructure for non-motorised users, so as to encourage modal shift towards, and to increase public usage of, non-motorised modes of transport such as walking and cycling. These proposals received strong and positive public support during consultations on the CSLR Scheme and the St Cuthbert's Garden Village, such that, notwithstanding Messrs I & L Beaty's views as set out in their objection, the Council is not in a position to remove the cycleway overbridges, or the ramps which serve them, from the CSLR Scheme. Accordingly, Ground (ii) of Messrs I & L Beaty's objection – in particular the suggestion that the cycleway overbridges and associated ramps should be removed from the CSLR Scheme – is not accepted by the Council.
- 17.3.110 **Ground (iii):** The Council is unable to agree with Messrs I & L Beaty's suggestion that the land which is proposed to be acquired for utility diversions should not form part of the permanent land take, as proposed in the CPO. For the reasons explained in the Council's response to Ground (i) of Messrs I & L Beaty's objection, the Council's approach to the inclusion of temporary land and working space in the CPO is understood to be correct.
- 17.3.111 Furthermore, the Council does not accept the suggestion that provision for utility diversions required to enable the delivery of the CSLR Scheme should be excluded from the CPO on the basis that they can be dealt with by the relevant statutory undertakers under their own statutory powers. The adoption of such an approach, which can at best be described as piecemeal, would undermine the robustness of the Council's CPO case by introducing potential impediments to the delivery of the CSLR Scheme (for example through abnegation of the Council's ability to control key elements critical to the proper construction and future use of the CSLR Scheme). Such an approach would not satisfy the current tests for demonstrating a compelling case in the public interest which are required to be met when a CPO is promoted and compulsory purchase powers are sought by an acquiring authority such as the Council for a scheme such as the CSLR. Accordingly, the Council does not accept that Ground (iii) of Messrs I & L Beaty's objection should be afforded any weight.
- 17.3.112 In response to Messrs I & L Beaty's comment that they would welcome further engagement and dialogue with the Council, the Council agrees that this would be helpful to all parties and confirms its willingness to build on the previous engagement outlined in Section 9 (see Table 2 - Engagement with landowners) and Section 10 (Negotiations with landowners) of this Statement of Case.

17.3.113 **OBJECTION NO.16 – Messrs Bowman of Skiprigg Farm, Raughton Head, Carlisle CA5 7AN – objection to the CPO**

17.3.114 Messrs Bowman object to the Orders on the following grounds:

(i) Land which is not required to be permanently acquired is included in the CPO and as such is not within the scope of section 239(1) of the Highways Act 1980, as required for the construction of the highway.

(ii) The amount of land which is proposed to be acquired could be reduced by the removal (from the CSLR Scheme) of unnecessary elements such as overbridges for cycleways which require significant on and off ramps. Land owned by Messrs Bowman is particularly affected in this regard, being required for the provision of ramps in two directions off the same proposed bridge.

(iii) The land which is proposed to be acquired for utility diversions should not form part of the permanent land take as these can be dealt with by the service provider within the terms of their powers such as the Water Industry Act etc.

17.3.115 Messrs Bowman have indicated, in their objection, that they would welcome a site meeting with the Council and the opportunity to discuss their concerns in more detail.

17.3.116 **The Council's response to Messrs Bowman's objection**

17.3.117 **Ground (i):** Not all of the land included in the CPO is proposed to be acquired pursuant to the enabling power in section 239 of the Highways Act 1980. Section 239 is a widely drafted power which makes provision for the acquisition of land for the purposes of constructing a new highway or improving an existing highway and for improving or developing frontages to a highway or land adjoining or adjacent to a highway. However, the CPO for the CSLR Scheme is also made under other enabling powers in the Highways Act 1980 (see paragraph 1 of the CPO which cites sections 6, 239, 240, 246 249, 250 and 260 of the Highways Act 1980). In particular, in terms of responding to Messrs Bowman's objection, the Council relies upon the enabling power in section 240 of the Highways Act 1980, which (when exercised pursuant to a confirmed CPO) authorises the Council to carry out works authorised by a confirmed Side Roads Order ("SRO") (e.g. in relation to side roads to classified roads, and new private means of access to premises). Section 240 also authorises the provision of new means of access to premises and the use of land in connection with the construction or improvement of a highway, or with the carrying out of works authorised by a SRO; and instances of such use arise where land is required for working space, or for the provision of access to a working site. The power in section 240 may also be used to authorise the diversion of a non-navigable watercourse (e.g. the Rivers Caldew and Petteril, and Fairy Beck and Calflins Beck among others).

17.3.118 By way of further explanation, the current compulsory purchase legislation does not include an enabling power for the temporary possession of land. Where land is required on a temporary basis it must be acquired in the first instance, pursuant to one of the specific powers in the Highways Act 1980. Once the works have been completed, any surplus land may be returned to the original landowner in accordance with the Crichel Down Rules, set out in guidance issued by the Department for Housing, Communities and Local Government: *Guidance on compulsory purchase process and the Crichel Down Rules for*

the disposal of surplus land acquired by, or under the threat of, compulsion (most recently updated in July 2019).

- 17.3.119 Lastly, on this point, it is incumbent on the Council to include in the CPO all of the land required to deliver the CSLR Scheme. To exclude land from the CPO on the basis that it may only be required temporarily (e.g. for construction purposes) would undermine the case for the CPO and could present a potential impediment to the delivery of the CSLR Scheme and, by extension, a potential impediment to the confirmation of the CPO on grounds of inadequacy due to uncertainty around the deliverability of the CSLR Scheme.
- 17.3.120 In the context of the legal position which is outlined above, condition no. 14 (Temporary construction compound and bridge construction area plans), which attaches to the CSLR planning permission, makes it clear that the Council does not expect or intend to retain land permanently where it is only required temporarily for construction purposes.
- 17.3.121 In light of the above, the Council does not accept that Ground (i) of Messrs Bowman's objection should be afforded any weight.
- 17.3.122 **Ground (ii):** The inclusion in the CSLR Scheme of overbridges and access ramps for cycleways is inextricably linked to the vision for the St Cuthbert's Garden Village, a key element of which involves proposals to provide safe and attractive infrastructure for non-motorised users, so as to encourage modal shift towards, and to increase public usage of, non-motorised modes of transport such as walking and cycling. These proposals received strong and positive public support during consultations on the CSLR Scheme and the St Cuthbert's Garden Village, such that, notwithstanding Messrs Bowman's views as set out in their objection, the Council is not in a position to remove the cycleway overbridges, or the ramps which serve them, from the CSLR Scheme. Accordingly, Ground (ii) of Messrs Bowman's objection – in particular the suggestion that the cycleway overbridges and associated ramps should be removed from the CSLR Scheme – is not accepted by the Council.
- 17.3.123 **Ground (iii):** The Council is unable to agree with Messrs Bowman's suggestion that the land which is proposed to be acquired for utility diversions should not form part of the permanent land take, as proposed in the CPO. For the reasons explained in the Council's response to Ground (i) of Messrs Bowman's objection, the Council's approach to the inclusion of temporary land and working space in the CPO is understood to be correct.
- 17.3.124 Furthermore, the Council does not accept the suggestion that provision for utility diversions required to enable the delivery of the CSLR Scheme should be excluded from the CPO on the basis that they can be dealt with by the relevant statutory undertakers under their own statutory powers. The adoption of such an approach, which can at best be described as piecemeal, would undermine the robustness of the Council's CPO case by introducing potential impediments to the delivery of the CSLR Scheme (for example through abnegation of the Council's ability to control key elements critical to the proper construction and future use of the CSLR Scheme). Such an approach would not satisfy the current tests for demonstrating a compelling case in the public interest which are required to be met when a CPO is promoted and compulsory purchase powers are sought by an acquiring authority such as the Council for a scheme such as the CSLR. Accordingly, the Council does not accept that Ground (iii) of Messrs Bowman's objection should be afforded any weight.

17.3.125 In response to Messrs Bowman's comment that they would welcome further engagement and dialogue with the Council, the Council agrees that this would be helpful to all parties and confirms its willingness to build on the previous engagement outlined in Section 9 (see Table 2 - Engagement with landowners) and Section 10 (Negotiations with landowners) of this Statement of Case.

17.3.126 **OBJECTION NO.17 – Mr Stuart John Nelson and Mr Melvin Stephen Nelson t/a Floses Farm Ltd, of The Floses, Durdar, Carlisle CA2 4TR – objection to the CPO**

17.3.127 Mr Stuart John Nelson and Mr Melvin Stephen Nelson (together, the "**Nelson family**") object to the Orders on the following grounds:

(i) Land which is not required to be permanently acquired is included in the CPO and as such is not within the scope of section 239(1) of the Highways Act 1980, as required for the construction of the highway.

(ii) The amount of land which is proposed to be acquired could be reduced by the removal (from the CSLR Scheme) of unnecessary elements such as overbridges for cycleways which require significant on and off ramps.

(iii) The land which is proposed to be acquired for utility diversions should not form part of the permanent land take as these can be dealt with by the service provider within the terms of their powers such as the Water Industry Act etc.

17.3.128 The Nelson family has indicated, in its objection, that it would welcome a site meeting with the Council and the opportunity to discuss its concerns in more detail.

17.3.129 **The Council's response to the Nelson family's objection**

17.3.130 **Ground (i):** Not all of the land included in the CPO is proposed to be acquired pursuant to the enabling power in section 239 of the Highways Act 1980. Section 239 is a widely drafted power which makes provision for the acquisition of land for the purposes of constructing a new highway or improving an existing highway and for improving or developing frontages to a highway or land adjoining or adjacent to a highway. However, the CPO for the CSLR Scheme is also made under other enabling powers in the Highways Act 1980 (see paragraph 1 of the CPO which cites sections 6, 239, 240, 246 249, 250 and 260 of the Highways Act 1980). In particular, in terms of responding to the Nelson family's objection, the Council relies upon the enabling power in section 240 of the Highways Act 1980, which (when exercised pursuant to a confirmed CPO) authorises the Council to carry out works authorised by a confirmed Side Roads Order ("SRO") (e.g. in relation to side roads to classified roads, and new private means of access to premises). Section 240 also authorises the provision of new means of access to premises and the use of land in connection with the construction or improvement of a highway, or with the carrying out of works authorised by a SRO; and instances of such use arise where land is required for working space, or for the provision of access to a working site. The power in section 240 may also be used to authorise the diversion of a non-navigable watercourse (e.g. the Rivers Caldew and Petteril, and Fairy Beck and Calflins Beck among others).

17.3.131 By way of further explanation, the current compulsory purchase legislation does not include an enabling power for the temporary possession of land. Where land is required on

a temporary basis it must be acquired in the first instance, pursuant to one of the specific powers in the Highways Act 1980. Once the works have been completed, any surplus land may be returned to the original landowner in accordance with the Crichel Down Rules, set out in guidance issued by the Department for Housing, Communities and Local Government: *Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion* (most recently updated in July 2019).

- 17.3.132 Lastly, on this point, it is incumbent on the Council to include in the CPO all of the land required to deliver the CSLR Scheme. To exclude land from the CPO on the basis that it may only be required temporarily (e.g. for construction purposes) would undermine the case for the CPO and could present a potential impediment to the delivery of the CSLR Scheme and, by extension, a potential impediment to the confirmation of the CPO on grounds of inadequacy due to uncertainty around the deliverability of the CSLR Scheme.
- 17.3.133 In the context of the legal position which is outlined above, condition no. 14 (Temporary construction compound and bridge construction area plans), which attaches to the CSLR planning permission, makes it clear that the Council does not expect or intend to retain land permanently where it is only required temporarily for construction purposes.
- 17.3.134 In light of the above, the Council does not accept that Ground (i) of the Nelson family's objection should be afforded any weight.
- 17.3.135 **Ground (ii):** The inclusion in the CSLR Scheme of overbridges and access ramps for cycleways is inextricably linked to the vision for the St Cuthbert's Garden Village, a key element of which involves proposals to provide safe and attractive infrastructure for non-motorised users, so as to encourage modal shift towards, and to increase public usage of, non-motorised modes of transport such as walking and cycling. These proposals received strong and positive public support during consultations on the CSLR Scheme and the St Cuthbert's Garden Village, such that, notwithstanding the Nelson family's views as set out in its objection, the Council is not in a position to remove the cycleway overbridges, or the ramps which serve them, from the CSLR Scheme. Accordingly, Ground (ii) of the Nelson family's objection – in particular the suggestion that the cycleway overbridges and associated ramps should be removed from the CSLR Scheme – is not accepted by the Council.
- 17.3.136 **Ground (iii):** The Council is unable to agree with the Nelson family's suggestion that the land which is proposed to be acquired for utility diversions should not form part of the permanent land take, as proposed in the CPO. For the reasons explained in the Council's response to Ground (i) of the Nelson family's objection, the Council's approach to the inclusion of temporary land and working space in the CPO is understood to be correct.
- 17.3.137 Furthermore, the Council does not accept the suggestion that provision for utility diversions required to enable the delivery of the CSLR Scheme should be excluded from the CPO on the basis that they can be dealt with by the relevant statutory undertakers under their own statutory powers. The adoption of such an approach, which can at best be described as piecemeal, would undermine the robustness of the Council's CPO case by introducing potential impediments to the delivery of the CSLR Scheme (for example through abnegation of the Council's ability to control key elements critical to the proper construction and future use of the CSLR Scheme). Such an approach would not satisfy the current tests for demonstrating a compelling case in the public interest which are required to be met

when a CPO is promoted and compulsory purchase powers are sought by an acquiring authority such as the Council for a scheme such as the CSLR. Accordingly, the Council does not accept that Ground (iii) of the Nelson family's objection should be afforded any weight.

17.3.138 In response to the Nelson family's comment that it would welcome further engagement and dialogue with the Council, the Council agrees that this would be helpful to both parties and confirms its willingness to build on the previous engagement outlined in Section 9 (see Table 2 - Engagement with landowners) and Section 10 (Negotiations with landowners) of this Statement of Case.

18 Further Information

18.1 Contact Information

18.1.1 For those wishing to discuss a sale of land or property, compensation or accommodation works or for those requiring further information or an update on the CSLR Scheme, contact can be made:

- Via the CSLR Scheme website at: www.cumbria.gov.uk/cslr
- By contacting David Rawle at Cumbria County Council on 07971 446334
- By writing to The Economy & Infrastructure Directorate, Cumbria County Council, Parkhouse Building, Baron Way, Kingmoor Business Park, Carlisle CA6 4SJ marked for the attention of David Rawle.

18.2 Public Inquiry

18.2.1 This Statement is intended to discharge the Council's obligations to serve a Statement of Case under Rule 16 of the Highways (Inquiries Procedure) Rules 1994 and Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007, and has been submitted to the Secretary of State for Transport and served on objectors in preparation for a public inquiry to be held under the above-mentioned Rules in connection with the Orders.

18.2.2 At the Public Inquiry the Council will give evidence in support of the case for making the Orders and to further demonstrate that there is a compelling case in the public interest that the Orders should be confirmed.

18.3 Inspection of Documents

18.3.1 Copies of the Orders, Maps and this Statement of Case are available for inspection on the Council's website at <https://www.cumbria.gov.uk/cslr/> - directions to the Order documents (including this Statement of Case and copies of the documents referred to within it) can be found on the noticeboard on the right hand side of the Council's CSLR Scheme web page.

18.3.2 Persons requiring a hard copy of any of the above-mentioned documents (for example because they do not have access to a computer and are unable, or find it difficult, to view the documents on the Council's website, may request hard/paper copies of the documents (or excerpts from the documents) from the Council:

- by telephone on: **07747 731197**; or
- by email on: CarlisleSouthern.LinkRoad@cumbria.gov.uk; or
- by writing to **Cumbria County Council, Parkhouse Building; Baron Way, Carlisle CA6 4SJ.**

18.3.3 Persons requesting hard copies of the documents will need to specify which documents they require and the address to which they would like them to be delivered. The provision

of hard copy documents by the Council, upon request, may be subject to a reasonable charge (under Rule 16(7) of the Highways (Inquiries Procedure) Rules 1994 and Rule 7(7) of the Compulsory Purchase (Inquiries Procedure) Rules 2007.

18.4 Compensation

18.4.1 Provision is made by statute to provide compensation for the compulsory purchase of land and depreciation in value of affected properties.

18.4.2 More information is given in the series of booklets published by the former Department of Communities and Local Government entitled 'Compulsory Purchase and Compensation' listed below:

- Booklet No. 1 – Compulsory Purchase Procedure
- Booklet No. 2 – Compensation to Business Owners and Occupiers
- Booklet No. 3 – Compensation to Agricultural Owners and Occupiers
- Booklet No. 4 – Compensation to Residential Owners and Occupiers
- Booklet No. 5 – Reducing the Effect of Public Development: Mitigation Works

18.4.3 Copies of these booklets can be downloaded directly from:

<https://www.gov.uk/government/collections/compulsory-purchase-systemguidance>

18.5 Documents referred to in this Statement and to be relied on at Public Inquiry

18.5.1 Application documents

- (a) Carlisle Southern Link Road - Transport Assessment Report, Capita, October 2019; and
- (b) Planning application for the CSLR Scheme, including:
 - (i) General Arrangement Drawings (CSLR-CAP-LPN-00-DR-C-0211 to 0216)
 - (ii) Carlisle Southern Link Road, DMRB Stage 3 Environmental Impact Assessment;
 - (iii) Appendix 17.1 Mitigation Schedule;
 - (iv) Landscape Strategy (CSLR-CAP-ELS-00-RP-L-3001);
 - (v) Landscape Plans (CSLR-CAP-ELS-00-DR-L-3101 to 3103); and
 - (vi) Planting Details (CSLR-CAP-ELS-XX-DR-L-3201 and 3202).
- (c) Planning permission Decision Notice dated 13 October 2020 (Reference No. 1/19/9012) (permission granted subject to conditions).

18.5.2 **Legislation (as amended)**

- (a) Acquisition of Land Act 1981;
- (b) Compulsory Purchase Act 1965;
- (c) Compulsory Purchase (Inquiries Procedure) Rules 2007 (SI 2007/3617);
- (d) Equality Act 2010;
- (e) European Convention on Human Rights;
- (f) Highways Act 1980;
- (g) Highways (Inquiries Procedure) Rules 1994 (SI 1994/3263);
- (h) Human Rights Act 1998; and
- (i) Traffic Signs Regulations and General Directions 2016 (SI 2016/362).

18.5.3 **National Policy and Guidance**

- (a) "A Green Future: Our 25 Year Plan to Improve the Environment" (published by the Department for Environment, Food and Rural Affairs in January 2018 and last updated in May 2019);
- (b) Department of Transport Circular 2/97 "Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State for Transport is the Confirming Authority" (published in June 1997);
- (c) Department of Transport Circular 1/97 "Highways Act 1980: Orders Under Section 14 of the Highways Act 1980 and Opposed Orders Under Section 124 of that Act" (published in 1997);
- (d) Department for Transport Circular 01/2016 – "The Traffic Signs Regulations and General Directions" (published in May 2016, Version 2);
- (e) "Guidance on Compulsory purchase process and The Crichel Down Rules" (published by the Ministry for Housing Communities and Local Government and last updated in July 2019);
- (f) "Guidance on Road Classification and the Primary Route Network: January 2012" (published by the Department for Transport in March 2012);
- (g) The National Planning Policy Framework (published in March 2012 by the Ministry of Housing, Communities and Local Government and last updated in June 2019);
- (h) "Traffic Signs Manual" (published by the Department for Transport in June 2006 and last updated in March 2020); and
- (i) "Transport Analysis Guidance" (published by the Department for Transport in October 2013 and last updated in October 2019).

18.5.4 **Local Policy and Guidance**

- (a) Borderlands Growth Deal (Heads of Terms signed by the UK and Scottish Governments in July 2019);

- (b) Carlisle District Local Plan (2015-2030) (Carlisle City Council, adopted 8 November 2016);
- (c) Carlisle Transport Improvement Study 2015 (Parsons Brinckerhoff for Cumbria County Council, published in February 2015);
- (d) Cumbria Countryside Access Strategy 2014-2019 (Cumbria County Council, published in April 2014);
- (e) Cumbria Cycling Strategy 2017-2022 (Cumbria County Council, ratified in July 2017);
- (f) Cumbria Infrastructure Plan (Cumbria Local Enterprise Partnership (“**Cumbria LEP**”), published in May 2016);
- (g) Cumbria Local Industrial Strategy (Cumbria LEP, published in March 2019);
- (h) Major Roads Report (Transport for the North, published in January 2018);
- (i) Moving Cumbria Forward: Cumbria Local Transport Plan (2011-2026) (Cumbria County Council);
- (j) Strategic Transport Plan (2019) (Transport for the North, published in February 2019);
- (k) St Cuthbert's Garden Village Local Plan – Overview and Scope (Carlisle City Council, September 2019);
- (l) St Cuthbert's Garden Village Stage 2 Masterplan (Carlisle City Council);
- (m) St Cuthbert's Garden Village Masterplan (Carlisle City Council, Final Masterplan Framework, October 2020); and
- (n) St Cuthbert's Garden Village Strategic Design Supplementary Planning Document (Carlisle City Council, Consultation Draft, November 2020).

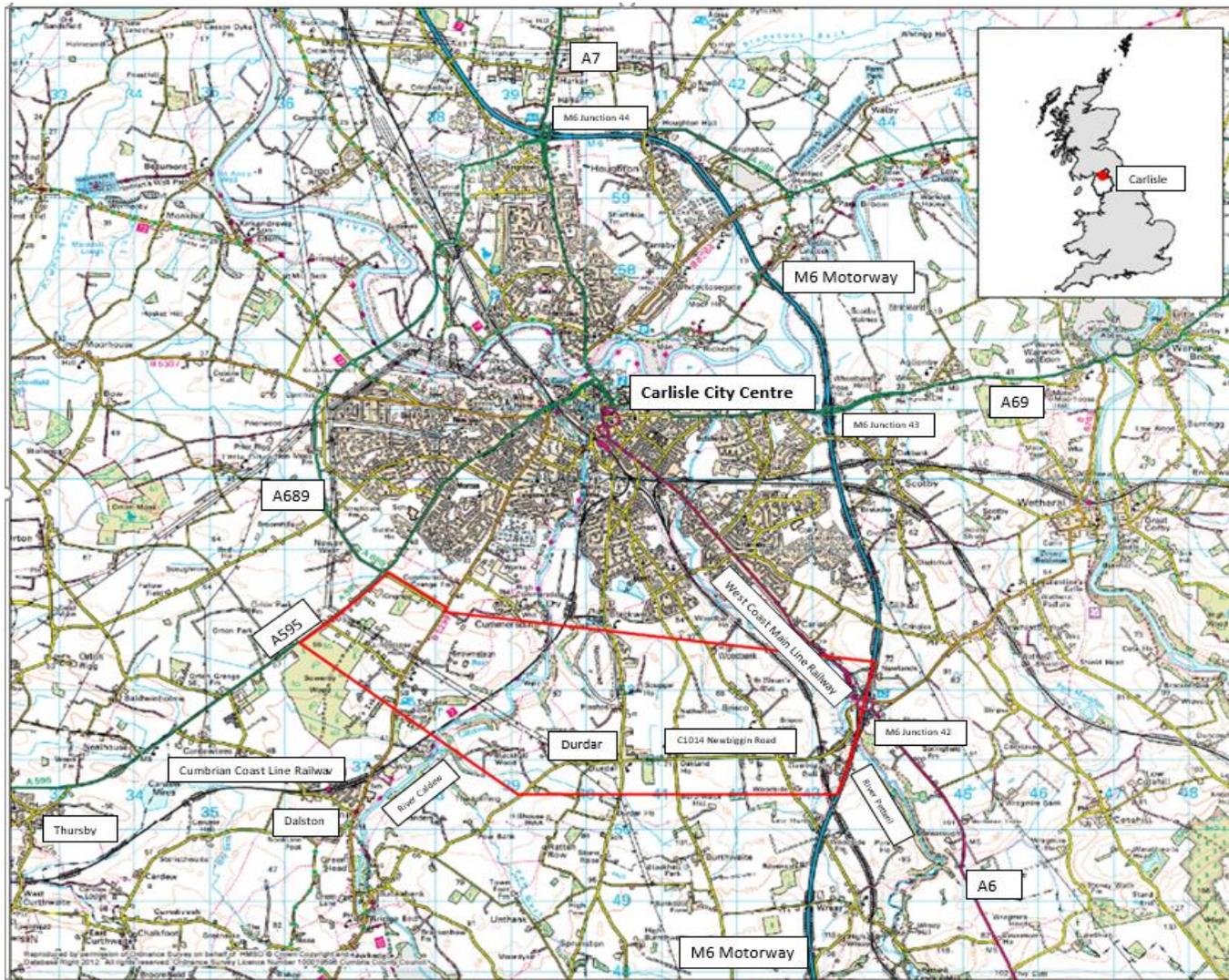
18.5.5 **Other**

- (a) Resolution of the Cabinet of Cumbria County Council to make a Compulsory Purchase Order and a Side Roads Order in furtherance of the Carlisle Southern Link Road Scheme and to facilitate the delivery of St Cuthbert's Garden Village (August 2020);
- (b) Cumbria LEP's Letter of Support for the CSLR Scheme and St Cuthbert's Garden Village (dated 15 August 2018);
- (c) Report of Stage 1 TAG (Transport Analysis Guidance) Assessment (June 2016);
- (d) Addendum to the 2016 Stage 1 TAG (Transport Analysis Guidance) Assessment Report (September 2017)
- (e) Agreement between Cumbria County Council and Highways England under section 6 of the Highways Act 1980;
- (f) HIF 'Forward Fund' expression of interest for the CSLR Scheme (September 2017);

- (g) HIF Grant Determination Agreement between Cumbria County Council, Carlisle City Council and Homes England (July 2020) (redacted);
- (h) Letter confirming the award of the HIF grant (April 2019);
- (i) Equality Impact Appraisal (completed as part of the development of the proposals for the CSLR Scheme);
- (j) Distributed Impact Appraisal (completed as part of the development of the proposals for the CSLR Scheme);
- (k) Social Impact Appraisal (completed as part of the development of the proposals for the CSLR Scheme);
- (l) Drawing showing compounds, utility diversions and temporary working space (Drawing No. CSLR-CAP-LPN-00-DR-Z-0202_S4_P01);
- (m) Utilities 1 – Construction and Utilities Information Report (Document No. CSLR-CAP-HGN-00-RP-Z-1003_S4_P01); and
- (n) Combined Statement of Reasons for the Cumbria County Council (Carlisle Southern Link Road) Compulsory Purchase Order 2020 and the Cumbria County Council (A689 (Carlisle Southern Link Road) Classified Road) (Side Roads and Other Works) Order 2020 (Cumbria County Council, September 2020).

Appendices

Appendix 1 – Plan showing location of the CSLR Scheme and key landscape features



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Appendix 2

Details of individual plots included in the CPO and explanation of the purpose for which each plot is needed for the CSLR Scheme

Plot Ref.	Plot Colour	CPO Requirement	Why the Land is Needed
CPO Map Sheet 1:			
1/1a	Pink	Acquisition of land	For the improvement (widening) of carriageway (A689, north west of Newby West Roundabout)
1/1b	Pink	Acquisition of land	For the improvement (widening) of carriageway (A595 Wigton Road south west of Newby West Roundabout)
1/1c	Pink	Acquisition of land	For the widening of highway verge to accommodate new signage (A595 Wigton Road south west of Newby West Roundabout)
1/1d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (Land north west of Newby West Roundabout)
1/2a	Pink	Acquisition of land	For tie-in of improved highway to existing highway (A595 Wigton Road, south west of Newby West Roundabout)
1/2b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (Land north of A595 Wigton Road, south west of Newby West Roundabout)
1/3a	Pink	Acquisition of land	For construction of new private means of access (A595 Wigton Road, south west of Newby West Roundabout)
1/4a	Pink	Acquisition of land	For construction of highway forming new junction access for Kingrigg Farm (A595 Wigton Road, south west of Newby West Roundabout)
1/4b	Pink	Acquisition of land	For construction of the new classified

			road (south east of Newby West Roundabout)
1/4c	Pink	Acquisition of land	For construction of the new drainage attenuation Pond A and related works (U1162 Peter Lane, south east of Newby West Roundabout)
1/4d	Pink	Acquisition of land	For construction of a new private means of access (south west of Newby West Roundabout)
1/4e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (field, south west of Peter Lane)
1/4f	Pink	Acquisition of land	For diversion of utility infrastructure and working space to facilitate construction of the scheme (field, south west of Peter Lane)
1/4g	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (south west of Newby West Roundabout)
1/4h	Pink	Acquisition of land	For landscape planting mitigation works and working space to facilitate construction of the scheme (field, south west of Peter lane)
1/4i	Pink	Acquisition of land	For construction of a new private means of access (south west of Newby West Roundabout)
1/4j	Pink	Acquisition of land	For the improvement of the A595 Wigton Road (south west of Newby West Roundabout)
1/5a	Pink	Acquisition of land	For the improvement of the A595 Wigton Road (Newby West Roundabout and south west of the roundabout)
1/5b	Pink	Acquisition of land	For the improvement of the A595 Wigton Road (south east of Wigton Road at the approach to Newby West Roundabout)

1/5c	Pink	Acquisition of land	For the improvement of the A595 Wigton Road (north west of A595, south west of Newby West Roundabout, adjacent to Kingrigg Farm)
1/5d	Pink	Acquisition of land	For construction of the new classified road (Peter Lane, east south east of Newby West Roundabout)
1/6a	Pink	Acquisition of land	For construction of the new classified road (land north of Newby West Roundabout)
1/6b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (Land north east of Newby West Roundabout)
1/6c	Pink	Acquisition of land	For diversion of utility infrastructure and working space to facilitate construction of the scheme (Land north east of Newby West Roundabout)
1/6d	Pink	Acquisition of land	For diversion of utility infrastructure and working space to facilitate the improvement of the A595 Wigton Road (Land north east of Newby West Roundabout)
1/7a	Pink	Acquisition of land	For construction of the new classified road (land south east of Newby West Roundabout, adjacent to Peter Lane)
1/7b	Pink	Acquisition of land	For construction of the new classified road (land east of Newby West Roundabout, adjacent to Peter Lane and Wigton Road)
1/7c	Pink	Acquisition of land	For construction of the new classified road (A689 north west of Newby West Roundabout)
1/7d	Pink	Acquisition of land	For construction of new drainage attenuation Pond A, diversion of Fairy Beck and related works (U1162 Peter Lane, south east of Newby West Roundabout)

1/7e	Pink	Acquisition of land	For landscape planting mitigation works and working space to facilitate construction of the scheme (land, south west of Peter Lane)
1/7f	Pink	Acquisition of land	For construction of the new classified road (Newby West Roundabout leading to Peter Lane)
1/7g	Pink	Acquisition of land	For construction of the new classified road (south side of Peter Lane near Newby West Roundabout)
1/8a	Pink	Acquisition of land	For construction of the new classified road (Electricity Sub Station adjacent to Wigton Road / Newby West Roundabout)
1/9a	Pink	Acquisition of land	For construction of the new classified road (land adjacent to Wigton Road, north east of Newby West Roundabout)
1/9b	Pink	Acquisition of land	For construction of a new field access, vehicle turning head and related works for the improvement of Peter Lane (U1161 Peter Lane, south east of Newby West Roundabout)
1/9c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (northern side of Peter Lane near Newby West Roundabout)
1/9d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (northern side of Peter Lane near Newby West Roundabout)
1/9e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (northern side of Peter Lane near Newby West Roundabout)
1/9f	Pink	Acquisition of land	For construction of the new classified road and landscape planting mitigation works (northern side of Peter Lane near Newby West Roundabout)

1/10a	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (northern side of Peter Lane near Newby West Roundabout)
1/11a	Pink	Acquisition of land	For construction of the new classified road (land south of Peter Lane)
1/11b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (southern side of Peter Lane near Newby West Roundabout)
1/11c	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (southern side of Peter Lane near Newby West Roundabout)
1/11d	Pink	Acquisition of land	For construction of earthworks and landscape management works for the new classified road (northern side of Peter Lane near Newby West Roundabout)
1/11e	Pink	Acquisition of land	For landscape planting mitigation works and working space to facilitate construction of the scheme (southern side of Peter Lane near Newby West Roundabout)
1/11f	Pink	Acquisition of land	For construction of new private means of access (land south of Peter Lane)
1/12a	Pink	Acquisition of land	For construction of the new classified road (land south of Peter Lane)
1/12b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Peter Lane)
1/12c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Peter Lane)
1/12d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Peter Lane)

1/12e	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land south of Peter Lane)
1/12f	Pink	Acquisition of land	For the construction of new private means of access (land south of Peter Lane)
CPO Map Sheet 2:			
2/1a	Pink	Acquisition of land	For construction of the new classified road (land south of Cummersdale Village, north east of High Brow Nelson Farm)
2/1b	Pink	Acquisition of land	For construction of the new classified road (land south of Cummersdale Village, north east of High Brow Nelson Farm)
2/1c	Pink	Acquisition of land	For diversion of public right of way to facilitate construction of the scheme (land south of Cummersdale Village, north east of High Brow Nelson Farm)
2/1d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Cummersdale Village, north east of High Brow Nelson Farm)
2/1e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Cummersdale Village, north east of High Brow Nelson Farm)
2/1f	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land south of Cummersdale Village, north east of High Brow Nelson Farm)
2/1g	Pink	Acquisition of land	For diversion of utility infrastructure and working space to facilitate the construction of the scheme (land south of Cummersdale Village, east of High Brow Nelson Farm)
2/1h	Pink	Acquisition of land	For diversion of utility infrastructure and working space to facilitate the

			construction of the scheme (land south of Cummersdale Village, north east of High Brow Nelson Farm)
2/1i	Pink	Acquisition of land	For diversion of utility infrastructure and working space to facilitate the construction of the scheme (land south of Cummersdale Village, east of High Brow Nelson Farm)
2/1j	Pink	Acquisition of land	For construction of new track, private means of access and diversion of public right of way (land south of Cummersdale Village, north east of High Brow Nelson Farm)
2/7a	Pink	Acquisition of land	For the improvement of Dalston Road B5299 (land adjacent to B5299 Dalston Road)
2/7b	Pink	Acquisition of land	For the improvement of Dalston Road B5299 (land adjacent to B5299 Dalston Road)
2/12a	Pink	Acquisition of land	For construction of the new classified road (land west of B5299 Dalston road at the junction with Peter Lane)
2/12b	Pink	Acquisition of land	For construction of new drainage attenuation Pond B, diversion of watercourse and related works (land west of B5299 Dalston road at the junction with Peter Lane)
2/12c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of B5299 Dalston road at the junction with Peter Lane)
2/12d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of B5299 Dalston road at the junction with Peter Lane)
2/12e	Pink	Acquisition of land	For construction of new private means of access (land west of B5299 Dalston road at the junction with Peter Lane)

2/12f	Pink	Acquisition of land	For landscape planting mitigation works and working space to facilitate construction of the scheme (land west of B5299 Dalston road at the junction with Peter Lane)
2/12g	Pink	Acquisition of land	For construction of the new classified road (B5299 Dalston Road towards Brow Nelson)
2/14a	Pink	Acquisition of land	For construction of the new classified road (land west of B5299 Dalston Road at Brow Nelson)
2/14b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of B5299 Dalston Road at Brow Nelson)
2/15a	Pink	Acquisition of land	For construction of the new classified road (land east of B5299 Dalston Road)
2/15b	Pink	Acquisition of land	For construction of the new classified road (land south of Cummersdale Village, north east of High Brow Nelson Farm)
2/15c	Pink	Acquisition of land	For the improvement of the B5299 Dalston Road (land east of B5299 Dalston road, adjacent to Grace Lane)
2/15d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of B5299 Dalston Road, south of Grace Lane)
2/15e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of B5299 Dalston Road, south of Grace Lane)
2/15f	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of B5299 Dalston Road and south west of Cummersdale village)
2/15g	Pink	Acquisition of land	For diversion of utility infrastructure to

			facilitate construction of the scheme (land east of B5299 Dalston Road and south west of Cummersdale village)
2/15h	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of B5299 Dalston Road at the south eastern end of Grace Lane)
2/15i	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Grace Lane)
2/15j	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land east of B5299 Dalston Road and south west of Cummersdale village)
2/15k	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land east of B5299 Dalston Road and south west of Cummersdale village)
2/15l	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of B5299 Dalston Road and south west of Cummersdale village)
2/15m	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land east of B5299 Dalston Road, south of Grace Lane)
2/15n	Pink	Acquisition of land	For construction of new track, public right of way and private means of access (land east of B5299 Dalston Road at the south eastern end of Grace Lane)
2/15o	Pink	Acquisition of land	For construction of a new road and private means of access (land south of Grace Lane)
2/15p	Pink	Acquisition of land	For construction of new track, public right of access and private means of access (land east of Grace Lane)
2/15q	Pink	Acquisition of land	For construction of new private means of access (land east of B5299 Dalston

			road, south of Grace Lane)
2/15r	Blue	Acquisition of new rights over land	To carry out works to existing or new drainage and to use and maintain the drainage on the land and access for the same (land east of B5299 Dalston Road, south of Grace Lane)
2/15s	Pink	Acquisition of land	For construction of new road and private means of access (southern section of Grace Lane)
2/15t	Pink	Acquisition of land	For construction of new road and private means of access (Eastern end of Grace Lane)
2/15u	Pink	Acquisition of land	For construction of new road and private means of access (Eastern end of Grace Lane)
2/15v	Pink	Acquisition of land	For construction of new private means of access (land east of B5299 Dalston Road at the south eastern end of Grace Lane)
2/15w	Pink	Acquisition of land	For construction of the new classified road (Eastern side of B5299 Dalston Road towards Brow Nelson)
2/16a	Pink	Acquisition of land	For the improvement of the B5299 Dalston Road (East side of Dalston Road adjacent to north side of Grace Lane)
2/16b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of B5299 Dalston Road, north of Grace Lane)
2/16c	Blue	Acquisition of new rights over land	To carry out works to existing or new drainage and to maintain and use the drainage on the land and access for the same (land east of B5299 Dalston road, north of Grace Lane)
2/16d	Pink	Acquisition of land	For construction of new road and private means of access (northern side of Grace Lane)

2/16e	Pink	Acquisition of land	For construction of new road and private means of access (northern side of Grace Lane)
2/17a	Pink	Acquisition of land	For the improvement of the B5299 Dalston Road (land east of B5299 Dalston Road at the junction with Grace Lane)
2/17b	Blue	Acquisition of new rights over land	To carry out works to existing or new drainage and to maintain and use the drainage on the land and access for the same (land east of B5299 Dalston Road, south of Grace Lane)
2/17c	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land east of B5299 Dalston Road, south of Grace Lane)
2/18a	Pink	Acquisition of land	For construction of the new classified road (land east of B5299 Dalston Road, south of Grace Lane)
2/18b	Pink	Acquisition of land	For construction of the new classified road (land south west of Cummersdale village, north of High Brow Nelson Farm)
2/18c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of B5299 Dalston Road, south of Grace Lane)
2/18d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of B5299 Dalston Road, south of Grace Lane)
2/18e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of B5299 Dalston Road, south of Grace Lane)
2/18f	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of B5299 Dalston Road, south of Grace Lane)

2/18g	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of B5299 Dalston Road and south west of Cummersdale village)
2/18h	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land east of B5299 Dalston Road and south west of Cummersdale village)
2/18i	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land east of B5299 Dalston Road and south west of Cummersdale village)
2/18j	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land east of B5299 Dalston road, south of Grace Lane)
2/18k	Pink	Acquisition of land	For construction of new private means of access (land east of B5299 Dalston Road, south of Grace Lane)
2/18l	Pink	Acquisition of land	For construction of new private means of access (land east of B5299 Dalston Road, south of Grace Lane)
2/19a	Pink	Acquisition of land	For construction of the new classified road (land east of B5299 Dalston Road, north of High Brow Nelson Farm)
2/19b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of B5299 Dalston Road, south of Grace Lane)
2/19c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of B5299 Dalston Road, south of Grace Lane)
2/19d	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land east of B5299 Dalston Road, south of Grace Lane)

2/19e	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land east of B5299 Dalston Road, south of Grace Lane)
2/19f	Pink	Acquisition of land	For construction of new private means of access (land east of B5299 Dalston Road, south of Grace Lane)
2/20a	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land south of Cummersdale and west of the River Caldw)
2/50a	Pink	Acquisition of land	For construction of new road and private means of access (southern section of Grace Lane)
2/50b	Pink	Acquisition of land	For construction of new road and private means of access (southern end of Grace Lane)
2/50c	Pink	Acquisition of land	For construction of new road and private means of access (southern end of Grace Lane)
2/51a	Pink	Acquisition of land	For construction of new road and private means of access (northern section of Grace Lane)
CPO Map Sheet 3:			
3/1a	Pink	Acquisition of land	For construction of the new classified road (land north of Cumbrian Coast Line Railway near the River Caldw)
3/1b	Pink	Acquisition of land	For construction of the new classified road (land north of Cumbrian Coast Line Railway near the River Caldw)
3/1c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Cummersdale and west of River Caldw)
3/1d	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land south of Cummersdale and west

			of River Caldwew)
3/1e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Cummersdale and west of River Caldwew)
3/1f	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Cummersdale and west of River Caldwew)
3/1g	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land south of Cummersdale and west of River Caldwew)
3/1h	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land south of Cummersdale and west of River Caldwew)
3/1i	Blue	Acquisition of new rights over land	To construct, renew, oversail and maintain new bridge on/over the land and access for the same (land north west of the Cumbrian Coast Line Railway)
3/1j	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Cummersdale and west of River Caldwew)
3/1k	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Cummersdale and west of River Caldwew)
3/21a	Pink	Acquisition of land	For construction of new highway (land north of Cumbrian Coast Line Railway near the River Caldwew)
3/21b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Cummersdale and west of River Caldwew)
3/21c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south

			of Cummersdale and west of River Caldw)
3/21d	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land south of Cummersdale and west of River Caldw)
3/21e	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land south of Cummersdale and west of River Caldw)
3/21f	Pink	Acquisition of land	For diversion of public right of way to facilitate construction of the scheme (land south of Cummersdale and west of River Caldw)
3/21g	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Cummersdale and west of River Caldw)
3/22a	Pink	Acquisition of land	For construction of the new classified road (land south of Cumbrian Coast Line Railway near the River Caldw)
3/22b	Pink	Acquisition of land	For construction of the new classified road (land south of Cumbrian Coast Line Railway near the River Caldw)
3/22c	Pink	Acquisition of land	For construction of the new public right of way (path south of Caldw Road, Cummersdale)
3/22d	Pink	Acquisition of land	For construction of new drainage attenuation Pond C and related works (path south of Caldw Road, Cummersdale)
3/22e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Cumbrian Coast Line Railway, south of Caldw Road, Cummersdale)
3/22f	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Cumbrian Coast Line Railway, south

			of Caldew Road, Cummersdale)
3/22g	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Cumbrian Coast Line Railway, south of Caldew Road, Cummersdale)
3/22h	Blue	Acquisition of new rights over land	To construct, renew and maintain new bridge on other land and access for the same and the right to maintain footpath reference I (land south east of the Cumbrian Coast Line Railway)
3/22i	Blue	Acquisition of new rights over land	To construct, renew and maintain new bridge on other land and access for the same and the right to maintain footpath reference I (land south of Caldew Road, Cummersdale and north of the Cumbrian Coast Line Railway)
3/22j	Blue	Acquisition of new rights over land	To construct, renew and maintain works to existing or new drainage on the land and access for the same as well as access to new bridge on/over other land (land south east of the Cumbrian Coast Line Railway)
3/22k	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Cumbrian Coast Line Railway, south of Caldew Road, Cummersdale)
3/22l	Blue	Acquisition of new rights over land	To construct, renew, oversail and maintain new bridge on/over the land and access for the same (land immediately south east of the Cumbrian Coast Line Railway)
3/22m	Pink	Acquisition of land	For diversion of public right of way to facilitate construction of the scheme (land south of Cumbrian Coast Line Railway, south of Caldew Road, Cummersdale)
3/22n	Pink	Acquisition of land	For diversion of public right of way to facilitate construction of the scheme (land south of Cumbrian Coast Line Railway, south of Caldew Road,

			Cummersdale)
3/22o	Blue	Acquisition of new rights over land	To construct, renew, oversail and maintain new bridge on/over the land together with drainage and access for the same (land south east of the Cumbrian Coast Line Railway)
3/23a	Blue	Acquisition of new rights over land	To construct, renew, oversail and maintain new bridge on/over the land and access for the same (Cumbrian Coast Line Railway)
3/23b	Blue	Acquisition of new rights over land	To construct, renew, oversail and maintain new bridge on/over the land and access for the same (Cumbrian Coast Line Railway)
3/23c	Blue	Acquisition of new rights over land	To construct, renew, oversail and maintain new bridge on/over the land and access for the same (Cumbrian Coast Line Railway)
3/23d	Blue	Acquisition of new rights over land	To construct, renew and maintain new bridge that will sit on/over other land and access for the same and the right to maintain footpath reference I (Cumbrian Coast Line Railway south of Caldew Road, Cummersdale)
3/23e	Pink	Acquisition of land	For construction of a new highway (land north of Cumbrian Coast Line Railway, south of Caldew Road, Cummersdale)
3/24a	Pink	Acquisition of land	For construction of a new highway (land north of Cumbrian Coast Line Railway, south of Caldew Road, Cummersdale)
3/24b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Cumbrian Coast Line Railway, south of Caldew Road, Cummersdale)
3/25a	Pink	Acquisition of land	For construction of a new highway (land north of Cumbrian Coast Line Railway, south of Caldew Road,

			Cummersdale)
3/25b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Cumbrian Coast Line Railway, south of Caldew Road, Cummersdale)
3/25c	Pink	Acquisition of land	For construction of a new highway (land north of Cumbrian Coast Line Railway, south of Caldew Road, Cummersdale)
3/26a	Pink	Acquisition of land	For construction of new highway (land east of Caldew Road, Cummersdale)
3/26b	Pink	Acquisition of land	For construction of new highway (land north of Cumbrian Coast Line Railway, south of Caldew Road, Cummersdale)
3/26c	Pink	Acquisition of land	For construction of new drainage attenuation Pond C and related works (land north of Cumbrian Coast Line Railway, south of Caldew Road, Cummersdale)
3/26d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Cumbrian Coast Line Railway, south of Caldew Road, Cummersdale)
3/26e	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land north of Cumbrian Coast Line Railway, south of Caldew Road, Cummersdale)
3/27a	Pink	Acquisition of land	For construction of the new classified road (land south of Cumbrian Coast Line Railway and the River Caldew)
3/27b	Pink	Acquisition of land	For construction of the new classified road (land at Peastree Farm)
3/27c	Pink	Acquisition of land	For construction of new drainage attenuation Pond D and related works (land north west of Peastree Farm and south of the River Caldew)

3/27d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Peastree Farm and south of the River Caldeu)
3/27e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north west of Peastree Farm and south of the River Caldeu)
3/27f	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north west of Peastree Farm and south of the River Caldeu)
3/27g	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north west of Peastree Farm and south of the River Caldeu)
3/27h	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Peastree Farm and south of the River Caldeu)
3/27i	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Peastree Farm and south of the River Caldeu)
3/27j	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north west of Peastree Farm and south of the River Caldeu)
3/27k	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land west of Peastree Farm and south of the River Caldeu)
3/27l	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land west of Peastree Farm and south of the River Caldeu)
3/27m	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land north west of Peastree Farm and

			south of the River Caldw)
3/27n	Blue	Acquisition of new rights over land	To construct, renew and maintain works to existing or new drainage on the land and access for the same as well as access to new bridge on/over other land (land east of River Caldw south east of the Cumbrian Coast Line Railway)
3/27o	Blue	Acquisition of new rights over land	To construct, renew, oversail and maintain new bridge on/over the land and access for the same (land south east of River Caldw and the Cumbrian Coast Line Railway)
3/27p	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north west of Peastree Farm and south of the River Caldw)
3/27q	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north west of Peastree Farm and south of the River Caldw)
3/27r	Pink	Acquisition of land	For diversion of public right of way to facilitate construction of the scheme (land north west of Peastree Farm and south of the River Caldw)
3/27s	Pink	Acquisition of land	For diversion of public right of way and private means of access to facilitate construction of the scheme (land north west of Peastree Farm and south of the River Caldw)
3/27t	Pink	Acquisition of land	For construction of a new public right of way and private means of access (land north west of Peastree Farm and south of the River Caldw)
3/27u	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land north west of Peastree Farm and south of the River Caldw)
3/27v	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the

			scheme (land north west of Peastree Farm and south of the River Caldw)
3/27w	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land north west of Peastree Farm and south of the River Caldw)
3/28a	Pink	Acquisition of land	For construction of the new classified road (land at Park Fauld Farm)
3/28b	Pink	Acquisition of land	For construction of new private means of access (land at Park Fauld Farm)
3/28c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Park Fauld Farm)
3/28d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Park Fauld Farm)
3/28e	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land at Park Fauld Farm)
3/28f	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land at Park Fauld Farm)
3/28g	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Park Fauld Farm)
3/28h	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land at Park Fauld Farm)
3/28i	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Park Fauld Farm)
3/54a	Pink	Acquisition of land	For construction of a new highway (land east of Caldw Road, Cummersdale)
CPO Map Sheet 4:			
4/7a	Pink	Acquisition of land	For the improvement of the C1036

			(land adjacent to Stoneraise School)
4/7b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land adjacent to Stoneraise School)
4/7c	Pink	Acquisition of land	For the improvement of the C1036 (C1036 adjacent to Stoneraise School)
4/27a	Pink	Acquisition of land	For construction of the new classified road (land at Peastree Farm)
4/27b	Blue	Acquisition of new rights over land	To carry out, renew and maintain landscaping works on other land (land at Peastree Farm)
4/27c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Peastree Farm)
4/27d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Peastree Farm)
4/27e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Peastree Farm)
4/27f	Pink	Acquisition of land	For working space to facilitate the construction of a new private means of access (land at Peastree Farm)
4/27g	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land at Peastree Farm)
4/27h	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land at Peastree Farm)
4/27i	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Peastree Farm)
4/27j	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Peastree Farm)
4/27k	Pink	Acquisition of land	For landscape planting mitigation

			works to facilitate construction of the scheme (land at Peastree Farm)
4/27l	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land at Peastree Farm)
4/27m	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land at Peastree Farm)
4/27n	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land at Peastree Farm)
4/27o	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Peastree Farm)
4/27p	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Peastree Farm)
4/27q	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Peastree Farm)
4/28a	Pink	Acquisition of land	For the improvement of the C1014 (land at Park Fauld farm, adjacent to Newbiggin Road)
4/28b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Park Fauld farm, adjacent to Newbiggin Road)
4/28c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Park Fauld farm, adjacent to Newbiggin Road)
4/29a	Pink	Acquisition of land	For construction of the new classified road (land north of Newbiggin Road)
4/29aa	Pink	Acquisition of land	For construction of the new classified road (land north of Newbiggin Road)
4/29b	Pink	Acquisition of land	For construction of the new classified road (land south of Newbiggin Road)

4/29bb	Pink	Acquisition of land	For construction of the new classified road (land north of Newbiggin Road)
4/29c	Pink	Acquisition of land	For construction of the new link road (land north of Newbiggin Road)
4/29cc	Pink	Acquisition of land	For construction of the new classified road (land north of Newbiggin Road)
4/29d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Newbiggin Road)
4/29e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Newbiggin Road)
4/29f	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Newbiggin Road)
4/29g	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Newbiggin Road)
4/29h	Pink	Acquisition of land	For working space to facilitate the construction of a new private means of access (land north of Newbiggin Road)
4/29i	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the (land south of Newbiggin Road)
4/29j	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the (land south of Newbiggin Road)
4/29k	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the (land north of Newbiggin Road)
4/29l	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the (land north of Newbiggin Road)
4/29m	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Newbiggin Road)

4/29n	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Newbiggin Road)
4/29o	Pink	Acquisition of land	For working space to facilitate the removal of an existing hedgerow (land south of Newbiggin Road)
4/29p	Pink	Acquisition of land	For working space to facilitate the removal of an existing hedgerow (land north of Newbiggin Road)
4/29q	Pink	Acquisition of land	For working space to facilitate the removal of an existing hedgerow (land north of Newbiggin Road)
4/29r	Pink	Acquisition of land	For construction of new private means of access (land north of Newbiggin Road)
4/29s	Pink	Acquisition of land	For construction of new private means of access (land north of Newbiggin Road)
4/29t	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Newbiggin Road)
4/29u	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Newbiggin Road)
4/29v	Pink	Acquisition of land	For construction of the new classified road (land north of Newbiggin Road)
4/29w	Pink	Acquisition of land	For construction of the new classified road (land north of Newbiggin Road)
4/29x	Pink	Acquisition of land	For works to facilitate the construction of the new classified road (land south of Newbiggin Road)
4/29y	Pink	Acquisition of land	For construction of the new classified road (land south of Newbiggin Road)
4/29z	Pink	Acquisition of land	For works to facilitate the construction of the new classified road a(land south of Newbiggin Road)

4/30a	Pink	Acquisition of land	For construction of the new link road (land north of Newbiggin Road)
4/30b	Pink	Acquisition of land	For construction of the new link road and the improvement of the C1036 Durdar Road (land west of Durdar Road)
4/30c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Newbiggin Road)
4/30d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Durdar Road)
4/30e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme and for the improvement of the C1036 Durdar Road (land west of Durdar Road)
4/30f	Pink	Acquisition of land	For working space to facilitate the construction of the scheme and for the improvement of the C1036 Durdar Road (land west of Durdar Road)
4/30g	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Newbiggin Road)
4/30h	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Newbiggin Road)
4/30i	Pink	Acquisition of land	For construction of new private means of access (land north of Newbiggin Road)
4/30j	Pink	Acquisition of land	For construction of the new classified road (land north of Newbiggin Road)
4/31a	Pink	Acquisition of land	For working space to facilitate the construction of the scheme and for the improvement of the C1036 Durdar Road (land west of Durdar Road)
4/32a	Pink	Acquisition of land	For construction of the new classified road (land west of Durdar Road)

4/32b	Pink	Acquisition of land	For construction of the new classified road (land east of Durdar Road)
4/32c	Pink	Acquisition of land	For the diversion of existing carriageway (Land adjacent to C1036 Durdar Road)
4/32d	Pink	Acquisition of land	For the diversion of existing carriageway (Land adjacent to C1036 Durdar Road)
4/32e	Pink	Acquisition of land	For the diversion of existing carriageway (Land adjacent to C1036 Durdar Road)
4/32f	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of Durdar Road)
4/32g	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of Durdar Road)
4/32h	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Durdar Road)
4/32i	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Durdar Road)
4/32j	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Durdar Road)
4/32k	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of Durdar Road)
4/32l	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Durdar Road)
4/32m	Pink	Acquisition of land	For the diversion of existing carriageway (Land adjacent to C1036 Durdar Road)
4/32n	Pink	Acquisition of land	For works to facilitate the construction of the new classified road (land south

			of Newbiggin Road)
4/32o	Pink	Acquisition of land	For construction of the new classified road (land south of Newbiggin Road)
4/32p	Pink	Acquisition of land	For construction of the new classified road (land south of Newbiggin Road)
4/32q	Pink	Acquisition of land	For the improvement of the C1306 Durdar Road (Land adjacent to C1036 Durdar Road)
4/32r	Pink	Acquisition of land	For works to facilitate the construction of the new classified road scheme (land south of Newbiggin Road)
4/33a	Pink	Acquisition of land	For the improvement of the C1036 Durdar Road (land at junction of Durdar Road and Woodhayes)
4/34a	Pink	Acquisition of land	For the improvement of the C1036 Durdar Road (land at junction of Durdar Road and Woodhayes)
4/35a	Pink	Acquisition of land	For the improvement of the C1036 Durdar Road (land to east of Durdar Road north of Woodhayes)
4/36a	Pink	Acquisition of land	For the improvement of the C1036 Durdar Road (land to east of Durdar Road north of Woodhayes)
4/37a	Pink	Acquisition of land	For the improvement of the C1036 Durdar Road (land to east of Durdar Road north of Woodhayes)
4/38a	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of Durdar Road)
4/38b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land east of Durdar Road)
CPO Map Sheet 5:			
5/7a	Pink	Acquisition of land	For the improvement of the C1014 Newbiggin Road (land at junction of Newbiggin Road and Brisco Road)

5/7b	Pink	Acquisition of land	For the improvement of the C1014 Newbiggin Road (land at junction of Newbiggin Road and Brisco Road)
5/7c	Pink	Acquisition of land	For the improvement of the C1014 Newbiggin Road widening of existing carriageway (land at junction of Newbiggin Road and Brisco Road)
5/29a	Pink	Acquisition of land	For construction of the new classified road (land west of Brisco)
5/29b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Brisco)
5/29c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Brisco)
5/29d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Brisco)
5/29e	Pink	Acquisition of land	For construction of the new classified road (land west of Brisco)
5/29f	Pink	Acquisition of land	For the construction of new private means of access (land west of Brisco)
5/32a	Pink	Acquisition of land	For the improvement of the C1037 Burthwaite Road (land south of Redcat Farm)
5/32b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Redcat Farm)
5/32c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Redcat Farm)
5/32d	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme and for the improvement of the C1014 Newbiggin Road (land south of Redcat Farm)

5/32e	Pink	Acquisition of land	For construction of the new classified road and for the improvement of the C1037 Burthwaite Road (land south of Redcat Farm)
5/39a	Pink	Acquisition of land	For construction of the new classified road and for the improvement of the C1037 Burthwaite Road (land south of Redcat Farm)
5/39b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Redcat Farm)
5/39c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Redcat Farm)
5/39d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of Redcat Farm)
5/39e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme and to facilitate the removal of an existing hedgerow (land south of Redcat Farm)
5/39f	Pink	Acquisition of land	For the construction of new private means of access (land south of Redcat Farm)
5/39g	Pink	Acquisition of land	For the improvement of the C1014 Newbiggin Road and the improvement of the C1037 Scalegate Road (Junction C1014 Newbiggin Road and C1037 Scalegate Road)
5/39h	Pink	Acquisition of land	For construction of the new classified road and for the improvement of the C1037 Burthwaite Road (land south of Redcat Farm)
5/40a	Pink	Acquisition of land	For the improvement of the C1014 Newbiggin Road and the C1037 Scalegate Road (Junction C1014 Newbiggin Road and C1037 Scalegate Road)

5/40b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Junction C1014 Newbiggin Road and C1037 Scalegate Road)
5/40c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Junction C1014 Newbiggin Road and C1037 Scalegate Road)
5/40d	Pink	Acquisition of land	For the improvement of the C1014 Newbiggin Road and the C1037 Scalegate Road (Junction C1014 Newbiggin Road and C1037 Scalegate Road)
5/41a	Pink	Acquisition of land	For construction of the new classified road (land west of Brisco)
5/41b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Brisco)
5/41c	Pink	Acquisition of land	For construction of new private means of access (land west of Brisco)
5/41d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Brisco)
5/41e	Pink	Acquisition of land	For construction of the new classified road (land west of Brisco)
5/41f	Pink	Acquisition of land	For construction of new private means of access (land west of Brisco)
5/41g	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Brisco)
5/42a	Pink	Acquisition of land	For construction of the new classified road (land west of Brisco)
5/42b	Pink	Acquisition of land	For construction of new drainage attenuation Pond E and related works (land west of Brisco)
5/42c	Pink	Acquisition of land	For construction of new drainage attenuation Pond E outfall and

			headwall (land west of Brisco)
5/42d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Brisco)
5/42e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Brisco)
5/42f	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Brisco)
5/42g	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land west of Brisco)
5/42h	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land west of Brisco)
5/42i	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land west of Brisco)
5/42j	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land west of Brisco)
5/42k	Pink	Acquisition of land	For construction of new private means of access (land west of Brisco)
5/42l	Pink	Acquisition of land	For construction of new private means of access (land west of Brisco)
5/42m	Blue	Acquisition of new rights over land	To construct, renew and maintain works to existing or new drainage on the land and access for the same as well as access to renew and maintain new pond, outfall and assoc. features on other land (land south of C1014 Newbiggin Road and west of C1041 Brisco Road)
5/42n	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land west of Brisco)

5/43a	Pink	Acquisition of land	For construction of the new classified road (land west of Brisco)
5/43b	Pink	Acquisition of land	For construction of the new classified road (land west of Brisco)
5/43c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Brisco)
5/43d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Brisco)
5/43e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Brisco)
5/43f	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of Brisco)
5/43g	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land west of Brisco)
5/43h	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land west of Brisco)
5/43i	Pink	Acquisition of land	For construction of the new classified road and landscape planting mitigation works to facilitate construction of the scheme (land west of Brisco)
5/43j	Pink	Acquisition of land	For construction of the new classified road and landscape planting mitigation works to facilitate construction of the scheme (land west of Brisco)
5/43k	Pink	Acquisition of land	For construction of new private means of access (land west of Brisco)
5/43l	Pink	Acquisition of land	For construction of new private means of access (land west of Brisco)
5/44a	Pink	Acquisition of land	For construction of the new classified road and for the improvement of the

			C1041 (land at Brisco)
5/44b	Pink	Acquisition of land	For construction of the new classified road (land at Brisco)
5/44c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Brisco)
5/44d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Brisco)
5/44e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Brisco)
5/44f	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Brisco)
5/44g	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Brisco)
5/44h	Pink	Acquisition of land	For working space to facilitate the construction of a new private means of access (land at Brisco)
5/44i	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land at Brisco)
5/44j	Pink	Acquisition of land	For construction of new private means of access (land at Brisco)
5/44k	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme and for the improvement of the C1041 (land at Brisco)
5/44l	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land at Brisco)
5/44m	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land at Brisco)

5/44n	Pink	Acquisition of land	For the improvement of the C1041 Newbiggin Road localised widening of existing carriageway (Newbiggin Road south of Lough Farm)
5/44o	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (Newbiggin Road south of Lough Farm)
5/44p	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (Newbiggin Road south of Lough Farm)
5/44q	Pink	Acquisition of land	For construction of the new classified road and for the improvement of the C1041 (land at Brisco)
5/44r	Pink	Acquisition of land	For construction of new private means of access (land west of Brisco)
5/53a	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (Newbiggin Road south of Lough Farm)
CPO Map Sheet 6:			
6/5a	Pink	Acquisition of land	For the improvement of the C1014 Newbiggin Road (land north of Newbiggin Hall)
6/5b	Pink	Acquisition of land	For construction of the new classified road (land adjacent to M6 Junction 42)
6/5c	Pink	Acquisition of land	For construction of new drainage attenuation Pond H and related works (land adjacent to M6 Junction 42)
6/5d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land adjacent to M6 Junction 42)
6/5e	Pink	Acquisition of land	For diversion of C1014 Newbiggin Road (land north of Newbiggin Hall)
6/5f	Pink	Acquisition of land	For diversion of C1014 Newbiggin Road (land north of Newbiggin Hall)
6/5g	Pink	Acquisition of land	For diversion of C1014 Newbiggin

			Road (land north of Newbiggin Hall)
6/5h	Pink	Acquisition of land	For diversion of C1014 Newbiggin Road (land north of Newbiggin Hall)
6/5i	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land adjacent to M6 Junction 42)
6/5j	Pink	Acquisition of land	For the improvement of the A6 London Road (land north west of M6 Junction 42)
6/5k	Pink	Acquisition of land	For the improvement of the A6 London Road (land north west of M6 Junction 42)
6/5l	Pink	Acquisition of land	For construction of the new classified road (land adjacent to M6 Junction 42)
6/7a	Pink	Acquisition of land	For diversion of C1014 Newbiggin Road (land north of Newbiggin Hall)
6/7b	Pink	Acquisition of land	For construction of the new classified road (land west of West Coast Main Line railway)
6/7c	Pink	Acquisition of land	For construction of new drainage attenuation Pond F and related works (land west of West Coast Main Line railway)
6/7d	Pink	Acquisition of land	For the construction of new private means of access (land west of West Coast Main Line railway)
6/7e	Pink	Acquisition of land	For demolition of existing buildings and landscape planting works (land north of Newbiggin Hall)
6/7f	Pink	Acquisition of land	For demolition of existing buildings and landscape planting works (land north of Newbiggin Hall)
6/7g	Pink	Acquisition of land	For demolition of existing buildings and landscape planting works (land north of Newbiggin Hall)
6/7h	Pink	Acquisition of land	For the improvement of the C1014

			Newbiggin Road (land north of Newbiggin Hall)
6/7i	Pink	Acquisition of land	For construction of the new classified road (land west of West Coast Main Line railway)
6/7j	Pink	Acquisition of land	For construction of the new classified road (land west of West Coast Main Line railway)
6/23a	Blue	Acquisition of new rights over land	To construct, renew, oversail and maintain new bridge on/over the land and access for the same to repair and maintain an existing bridge over other land (land north of the existing bridge over the West Coast Main Line Railway)
6/23b	Blue	Acquisition of new rights over land	To construct, renew, oversail and to maintain existing bridge on/over the land access for the same (existing bridge over the West Coast Main Line Railway)
6/23c	Blue	Acquisition of new rights over land	To demolish, remove, repair and maintain existing building/residual features on other land and access for the same (land north of the existing bridge over the West Coast Main Line Railway)
6/23d	Blue	Acquisition of new rights over land	To construct, renew, oversail and maintain an existing bridge and a new bridge and turning head on other land and access for the same (land north of the existing bridge over the West Coast Main Line Railway)
6/23e	Blue	Acquisition of new rights over land	To construct, renew, oversail and maintain a new bridge and an existing bridge on other land and access for the same (land north of the existing bridge over the West Coast Main Line Railway)
6/23f	Blue	Acquisition of new rights over land	To construct, renew, oversail and maintain a new bridge and an existing bridge on other land and access for the

			same (land north of the existing bridge over the West Coast Main Line Railway)
6/42a	Pink	Acquisition of land	For diversion of C1014 Newbiggin Road (land north of Newbiggin Hall)
6/42b	Pink	Acquisition of land	For the improvement of the C1014 Newbiggin Road and the U1233 (land north of Newbiggin Hall)
6/42c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Newbiggin Hall)
6/42d	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land north of Newbiggin Hall)
6/42e	Pink	Acquisition of land	For the improvement of the C1014 Newbiggin Road and the improvement of the U1233 (land north of Newbiggin Hall)
6/42f	Pink	Acquisition of land	For the improvement of the C1014 Newbiggin Road and the improvement of the U1233 (land north of Newbiggin Hall)
6/44a	Pink	Acquisition of land	For construction of the new classified road (land west of West Coast Main Line Railway)
6/44b	Pink	Acquisition of land	For construction of the new classified road (land west of West Coast Main Line Railway)
6/44c	Pink	Acquisition of land	For construction of new drainage attenuation Pond F and related works (land west of West Coast Main Line Railway)
6/44d	Pink	Acquisition of land	For construction of new drainage attenuation Pond F drainage outfall and headwall (land west of West Coast Main Line Railway)
6/44e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west

			of West Coast Main Line Railway)
6/44f	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of West Coast Main Line Railway)
6/44g	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of West Coast Main Line Railway)
6/44h	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of West Coast Main Line Railway)
6/44i	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of West Coast Main Line Railway)
6/44j	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of West Coast Main Line Railway)
6/44k	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme and earthworks (land west of West Coast Main Line Railway)
6/44l	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land west of West Coast Main Line Railway)
6/44m	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land west of West Coast Main Line Railway)
6/44n	Blue	Acquisition of new rights over land	To construct, renew and maintain works to existing or new drainage on the land and access for the same (land west of West Coast Main Line Railway)
6/44o	Blue	Acquisition of new rights over land	To construct, renew and maintain works to existing or new drainage on the land and access for the same (land west of West Coast Main Line Railway)
6/44p	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the

			scheme (land west of West Coast Main Line Railway)
6/44q	Pink	Acquisition of land	For construction of new private means of access (land west of West Coast Main Line Railway)
6/44r	Pink	Acquisition of land	For construction of new private means of access (land west of West Coast Main Line Railway)
6/44s	Pink	Acquisition of land	For construction of the new classified road (land west of West Coast Main Line Railway)
6/45a	Pink	Acquisition of land	For construction of the new classified road (land west of West Coast Main Line Railway)
6/45b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land west of West Coast Main Line Railway)
6/45c	Pink	Acquisition of land	For construction of new private means of access (land west of West Coast Main Line Railway)
6/45d	Pink	Acquisition of land	For construction of new private means of access (land west of West Coast Main Line Railway)
6/45e	Pink	Acquisition of land	For construction of new private means of access (land west of West Coast Main Line Railway)
6/45f	Pink	Acquisition of land	For construction of the new classified road (land west of West Coast Main Line Railway)
6/46a	Pink	Acquisition of land	For construction of the new classified road (land between River Petteril and West Coast Main Line Railway)
6/46aa	Blue	Acquisition of new rights over land	To construct, renew and maintain works to existing or new drainage on the land and access for the same (land between River Petteril and West Coast Main Line Railway)

6/46b	Pink	Acquisition of land	For construction of the new classified road (land between River Petteril and West Coast Main Line Railway)
6/46bb	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land between River Petteril and West Coast Main Line Railway)
6/46c	Pink	Acquisition of land	For the improvement of the A6 London Road (land north west of M6 Junction 42)
6/46cc	Blue	Acquisition of new rights over land	To construct, renew and maintain new earthworks, planting areas and drainage on the land and access for the same(land adjacent to M6 Junction 42)
6/46d	Pink	Acquisition of land	For construction of new drainage attenuation Pond G and related works (land between River Petteril and West Coast Main Line Railway)
6/46dd	Pink	Acquisition of land	For diversion of public right of way to facilitate construction of the scheme (land between River Petteril and West Coast Main Line Railway)
6/46e	Pink	Acquisition of land	For construction of new drainage attenuation Pond H and related works (land adjacent to M6 Junction 42)
6/46ee	Pink	Acquisition of land	For demolition of existing buildings and landscape planting works (land north of Newbiggin Hall)
6/46f	Pink	Acquisition of land	For construction of new drainage attenuation Pond G and related works (land between River Petteril and West Coast Main Line Railway)
6/46ff	Pink	Acquisition of land	For demolition of existing buildings and landscape planting works (land north of Newbiggin Hall)
6/46g	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north

			west of M6 Junction 42)
6/46gg	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Newbiggin Hall)
6/46h	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land adjacent to M6 Junction 42)
6/46hh	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Newbiggin Hall)
6/46i	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Newbiggin Hall)
6/46ii	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land between River Petteril and M6)
6/46j	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land between River Petteril and the M6)
6/46jj	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land adjacent to M6 Junction 42)
6/46k	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land between River Petteril and West Coast Main Line Railway)
6/46kk	Blue	Acquisition of new rights over land	To access the land to construct, renew and maintain a new otter holt on other land (land between River Petteril and M6)
6/46l	Blue	Acquisition of new rights over land	To access the land to construct, renew and maintain a new otter holt on other land (land between River Petteril and M6)
6/46ll	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land between River Petteril

			and West Coast Main Line Railway)
6/46m	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land between River Petteril and West Coast Main Line Railway)
6/46mm	Pink	Acquisition of land	For construction of the new classified road (land adjacent to M6 Junction 42)
6/46n	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land between River Petteril and West Coast Main Line Railway)
6/46nn	Pink	Acquisition of land	For construction of the new classified road (land adjacent to M6 Junction 42)
6/46o	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land between River Petteril and West Coast Main Line Railway)
6/46oo	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land between River Petteril and West Coast Main Line Railway)
6/46p	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land between River Petteril and West Coast Main Line Railway)
6/46pp	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land between River Petteril and M6)
6/46q	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land between River Petteril and West Coast Main Line Railway)
6/46qq	Pink	Acquisition of land	For working space to facilitate the construction of a new otter holt on other land (land within the River Petteril and north east of Newbiggin Bridge)

6/46r	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land between River Petteril and West Coast Main Line Railway)
6/46rr	Pink	Acquisition of land	For construction of the new classified road (land north west of M6 Junction 42)
6/46s	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land between River Petteril and West Coast Main Line Railway)
6/46ss	Pink	Acquisition of land	For construction of the new classified road (land north west of M6 Junction 42)
6/46t	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land adjacent to M6 Junction 42)
6/46u	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land between River Petteril and the M6)
6/46v	Pink	Acquisition of land	For diversion of utility infrastructure to facilitate construction of the scheme (land between River Petteril and M6)
6/46w	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land between River Petteril and M6)
6/46x	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land between River Petteril and M6)
6/46y	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land adjacent to M6 Junction 42)
6/46z	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land between River Petteril

			and M6)
6/48a	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land adjacent to M6 Junction 42)
6/49a	Pink	Acquisition of land	For diversion of C1014 Newbiggin Road (land between River Petteril and M6)
6/49b	Pink	Acquisition of land	For diversion of C1014 Newbiggin Road (land between River Petteril and West Coast Main Line Railway)
6/49c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land between River Petteril and West Coast Main Line Railway)
6/49d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north west of M6 Junction 42)
6/49e	Pink	Acquisition of land	For diversion of public right of way to facilitate construction of the scheme (land at Newbiggin Bridge)
6/49f	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land adjacent to M6 Junction 42)
6/49g	Pink	Acquisition of land	For landscape planting mitigation works to facilitate construction of the scheme (land adjacent to M6 Junction 42)

