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Date: 5 October 2021

Dear Ms Slater

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

**THE CUMBRIA COUNTY COUNCIL (CARLISLE SOUTHERN LINK ROAD)
COMPULSORY PURCHASE ORDER 2020 (“the CPO”)**

SECRETARY OF STATE’S DECISION – SRO AND THE CPO TO BE CONFIRMED, THE
CPO WITH MODIFICATIONS

1. I refer to Cumbria County Council’s (“the Council”) application for confirmation of the above-named Orders. The Secretary of State for Transport (“the Secretary of State”) has decided to confirm the SRO and the CPO, with modifications, and this letter constitutes his decision to that effect.
2. The SRO and CPO will, respectively, authorise:
 - (i) The Council to improve highways, stop up highways, construct new highways, stop up private means of access to premises and provide new means of access to premises all on or in the vicinity of the highway the Council propose to construct from the A595/A689 Newby West roundabout south-eastwards for a distance of 8.1km to the M6 Motorway Junction 42 in the parishes of Cummersdale, Dalston, and St Cuthbert Without, in the District of Carlisle and the County of Cumbria.
 - (ii) The Council to purchase compulsorily the land and new rights over land for the purposes of: the construction of the highway described at (i) above; the construction of new roundabout junctions and improvement of existing highway junctions within the aforementioned parishes; the construction of new highways and the improvement of existing highways within the aforementioned parishes; the construction of new footpaths and cycle tracks and the improvement of existing footpaths and cycle tracks in pursuance of the SRO; the provision of new means of access to premises in pursuance of the SRO; the diversion of non-navigable watercourses and the carrying out of other works on non-navigable watercourses in connection with the construction and improvement of the

highways and new means of accesses as aforesaid; the use of land by the acquiring authority in connection with the construction and improvement of highways and new means of access, the diversion of watercourses and the carrying out of other works on watercourses or with the carrying out of works; the improvement or development of frontages to the above mentioned new and existing highways or of the land adjoining or adjacent thereto; and mitigating the adverse effects which the existence or use of the highways and new means of access, proposed to be constructed or improved as mentioned above will have on the surroundings thereof.

MODIFICATIONS

3. The Secretary of State will make a modification to the CPO, which is considered minor and has been agreed to by the Council, which is, at the top of the Table 1 pages, to amend the year of the CPO, from 2019 to 2020.

CONSIDERATIONS FOR DECISION

4. As objections remained outstanding to the Orders it was decided that concurrent Public Local Inquiries should be held for the purposes of hearing those objections. A Pre-Inquiries meeting was held via the Teams platform on 26 April 2021, and the virtual Inquiries were held on 15-16 June 2021. At the opening of the Inquiries, there was one statutory objector remaining to the Orders and by the close of the Inquiries all objections had been withdrawn.

5. The Inspector considered all representations about the Orders during the Inquiries and has since submitted a report to the Secretary of State, a copy of which is enclosed with this letter. The Secretary of State has given careful consideration to the Inspector's report and also to a number of relevant issues, as set out in *Guidance on Compulsory purchase process and The Criche Down Rules* and *The Highways Act 1980*, in reaching his decision on the Orders.

In relation to the SRO, namely that:

- i. where a highway is to be stopped up another reasonably convenient route is available or will be provided before the highway is stopped up;
- ii. where a private means of access to premises is to be stopped up either no access to the premises is reasonably required or another reasonably convenient means of access to the premises is available or will be provided; and

In relation to the CPO, namely that:

- i. there should be a compelling case in the public interest to acquire all the land and that this should sufficiently justify interfering with the human rights of those with an interest in the land affected;
- ii. the acquiring authority should have a clear idea of how it intends to use the land that it wishes to acquire;

- iii. sufficient resources should be available to complete the compulsory acquisition within the statutory period following confirmation of the Order, and to implement the scheme; and
- iv. there should be a reasonable prospect of the scheme going ahead and it should be unlikely to be blocked by any impediment to implementation.

CONCLUSION

6. The Secretary of State has considered carefully all the representations about the Orders.
7. The Secretary of State agrees with the Inspector's conclusions at paragraph 8.72 that, where a highway or PMA is to be stopped up, the SRO would provide a reasonably convenient alternative route or access for road users, as described in the schedules and plans of the SRO.
8. The Secretary of State has carefully considered whether the purposes for which the CPO is required sufficiently justify interfering with the human rights of those with an interest in the CPO and is satisfied that they do. In particular, consideration has been given to the provisions of Article 1 of The First Protocol to the European Convention on Human Rights and the Human Rights Act 1998. In this respect, the Secretary of State agrees with the Inspector's conclusions at paragraph 8.77 that the purposes for which the CPO is promoted justifies interfering with the human rights of those with an interest in the land affected.
9. The Secretary of State agrees with the Inspectors conclusions at paragraphs 8.74 to 8.78 and is satisfied that the Council has a clear idea of how the land to be acquired would be used; that there is a reasonable expectation that the necessary resources will be available to carry out the proposals within a reasonable timescale; and that the scheme is unlikely to be blocked by any physical or legal impediments; and that there is a compelling case in the public interest for the scheme to proceed and that this outweighs the private loss involved in the compulsory acquisition.
10. Having considered all aspects of the matter the Secretary of State is satisfied that there are no compelling reasons brought forward which would justify not confirming the SRO and CPO. Accordingly, the Secretary of State agrees with the Inspector's recommendations, subject to minor modifications to the CPO as referred to at paragraph 3 above, and has decided to confirm 'The Cumbria County Council (A689 (Carlisle Southern Link Road) Classified Road) (Side Roads and Other Works) Order 2020' and, as modified by him, 'The Cumbria County Council (Carlisle Southern Link Road) Compulsory Purchase Order 2020'.
11. In confirming the SRO and CPO the Secretary of State has relied on the information that the Council and others have provided, as contained in the Orders and any related plans, diagrams, statements or correspondence, as being factually correct. Confirmation is given on this basis.

COMPENSATION

12. Details of compensation arising as a consequence of confirmation of a CPO are a matter for negotiation with the acquiring authority and not the Secretary of State. Accordingly, qualifying persons in relation to the land included in the CPO will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land. If the amount cannot be agreed the matter may be referred for determination by the Upper Tribunal (Lands Chamber) under the Lands Tribunal Act 1949 and the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

AVAILABILITY OF DOCUMENTS

13. A copy of this letter and accompanying annex, together with a copy of the Inspector's report, have been sent to those parties who appeared at the Inquiries, other interested parties and relevant Members of Parliament. Copies will be made available on request to any other persons directly concerned.

14. Please arrange for a copy of the Inspector's report and of this letter to be made available for inspection at <http://www.cumbria.gov.uk/csir/>. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report.

RIGHT OF CHALLENGE

15. Notice is to be published of confirmation of the Orders. Any person who wishes to question the validity of the confirmed Orders, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded his powers or has not complied with the relevant statutory requirements in confirming them may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such an application must be made within six weeks of publication of the notice that the Orders have been confirmed. The High Court cannot entertain an application under Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Orders.

Yours sincerely



DAVE CANDLISH

Authorised by the Secretary of State for Transport
to sign in that behalf



Report to the Secretary of State for the Department for Transport

by Karen L Ridge LLB (Hons) MTPL Solicitor

an Inspector appointed by the Secretary of State

Date: 21 September 2021

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

The Cumbria County Council (A689 (Carlisle Southern Link Road) Classified Road) (Side Roads and Other Works) Order 2020

The Cumbria County Council (Carlisle Southern Link Road) Compulsory Purchase Order 2020

Inquiry Held on 15 and 16 June 2021

Inspections were carried out on 11, 12 and 22 June 2021.

File Ref: DPI/H0900/21/1

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The Side Roads Orders

- The Side Roads Order was made under Sections 6, 14, 106, 124 and 125 of the Highways Act 1980 and is known as The Cumbria County Council (A689 (Carlisle Southern Link Road) Classified Road) (Side Roads and Other Works) Order.
- The Order was made on 21 September 2020.
- The Order would provide for the improvement and construction of highways; the stopping up of highways and private means of access; the provision of new means of access and the construction of a new highway'

Summary of Recommendation: That the Order be confirmed.

The Compulsory Purchase Order

- The draft Compulsory Purchase Order was made under Sections 6, 239, 240 and 246 of the Highways Act 1980, as extended and supplemented by sections 249, 250 and 260 of that Act, and section 2 of the Acquisition of Land Act 1981. It is known as The Cumbria County Council (Carlisle Southern Link Road) Compulsory Purchase Order 2020.
- The Order was published on 21 September 2020.
- The Order would authorise the compulsory acquisition of all the land needed to construct the new road, associated junctions and cycleways and footways and overbridges, the diversion of, and carrying out of works on, non-navigable watercourses and for all necessary alterations to side roads as provided by the above-mentioned Scheme and draft Side Roads Order.

Summary of Recommendation: That the Order be made.

1. Introduction

1.1 The Applicant Council is the Highway Authority for the local road network in the administrative area containing the road scheme known as the Carlisle Southern Link Road ("the CSLR Scheme"). This scheme comprises a proposed new link road which lies to the south of Carlisle, connecting the A595/A689 junction at Peter Lane to Junction 42 of the M6 Motorway. The Council manages and maintains the public highways directly affected by the CSLR Scheme, except for the M6 Motorway and the A595/A689 at Newby West.

1.2 The link is a key part of Cumbria County Council's (CCC or the Council) intention to enable the successful delivery of the proposed St Cuthbert's Garden Village development (the SCGV or the Garden Village), to improve east-west connectivity and to improve the highway network around Carlisle.

Figure 1: Plan showing Location of the Scheme and Key Connections (red line depicts the area containing the Order Lands)



1.3 By letter dated 14 December 2020 the Secretary of State for Transport (SoS) confirmed that he intended to hold a Public Inquiry into the Orders which had been submitted by CCC. I was subsequently appointed as the Inspector to conduct a Public Inquiry and to write a report with a recommendation into the above Orders.

1.4 I held a Pre-Inquiry meeting on 26 April 2021, with the Inquiry scheduled to open on 15 June 2021. Due to the Covid-19 pandemic both the Pre-Inquiry meeting, and the Inquiry itself, took place as virtual events, with all parties connecting via the Microsoft Teams platform. I have been greatly assisted throughout the Inquiry by the services of Mrs Yvonne Parker who was the appointed Programme Officer. The virtual Pre-Inquiry meeting was convened to discuss the procedure for the Inquiry and the timetable for the submission of

documents¹. The Inquiry sat on 15 and 16 June 2021. Other than CCC, no other statutory or non-statutory objector or interested party appeared at the Inquiry.

- 1.5 By agreement with the Council, I made a series of unaccompanied site inspections on 11, 12 and 22 June 2021 in accordance with a programme and itinerary submitted by the Council to the Programme Officer.
- 1.6 At the date of the Pre-Inquiry Meeting there were 17 objectors with unresolved objections to the Scheme. Following that meeting the Council made considerable efforts to negotiate with all objectors. Such was the success of those negotiations that, at the opening of the Inquiry, notice of withdrawal of objections had been received from all but one of these statutory objectors. At that point the one remaining statutory objector was Northern Gas Networks (NGN). I was informed that negotiations with NGN were continuing, and a settlement was anticipated.
- 1.7 On the final day of the Inquiry, I was informed that agreement had been reached and notification of withdrawal of the objection from NGN would be received shortly. I closed the Inquiry and indicated that I would accept the withdrawal notice if it were received in a timely manner. It was duly received later that same day. Therefore, the position at the close of the Inquiry was that all objections had been withdrawn.
- 1.8 The Scheme would affect land and apparatus in the control of six statutory undertakers, namely BT Openreach, Electricity North West Limited, NGN, United Utilities, Virgin Media and Vodafone². In all cases diversionary or mitigation works have been agreed and there are no objections to the Order being made from these statutory undertakers.
- 1.9 The Acquiring Authority (AA) was represented at the Inquiry and called seven witnesses³. There were no modifications requested to the Orders. All of the submitted written evidence has been taken into account in reaching my recommendation.

The Published Scheme

- 1.10 The CSLR Scheme is located south of Carlisle and runs on an east-west axis up to Junction 42 of the M6 (M6J42) which provides a national north-south route. The new road would provide an 8.1km length of 60mph, single carriageway highway (the classified road). The road would have multiple sections which would include a single overtaking lane for traffic travelling in one direction and differential acceleration lanes on the approaches to some of the new roundabouts.

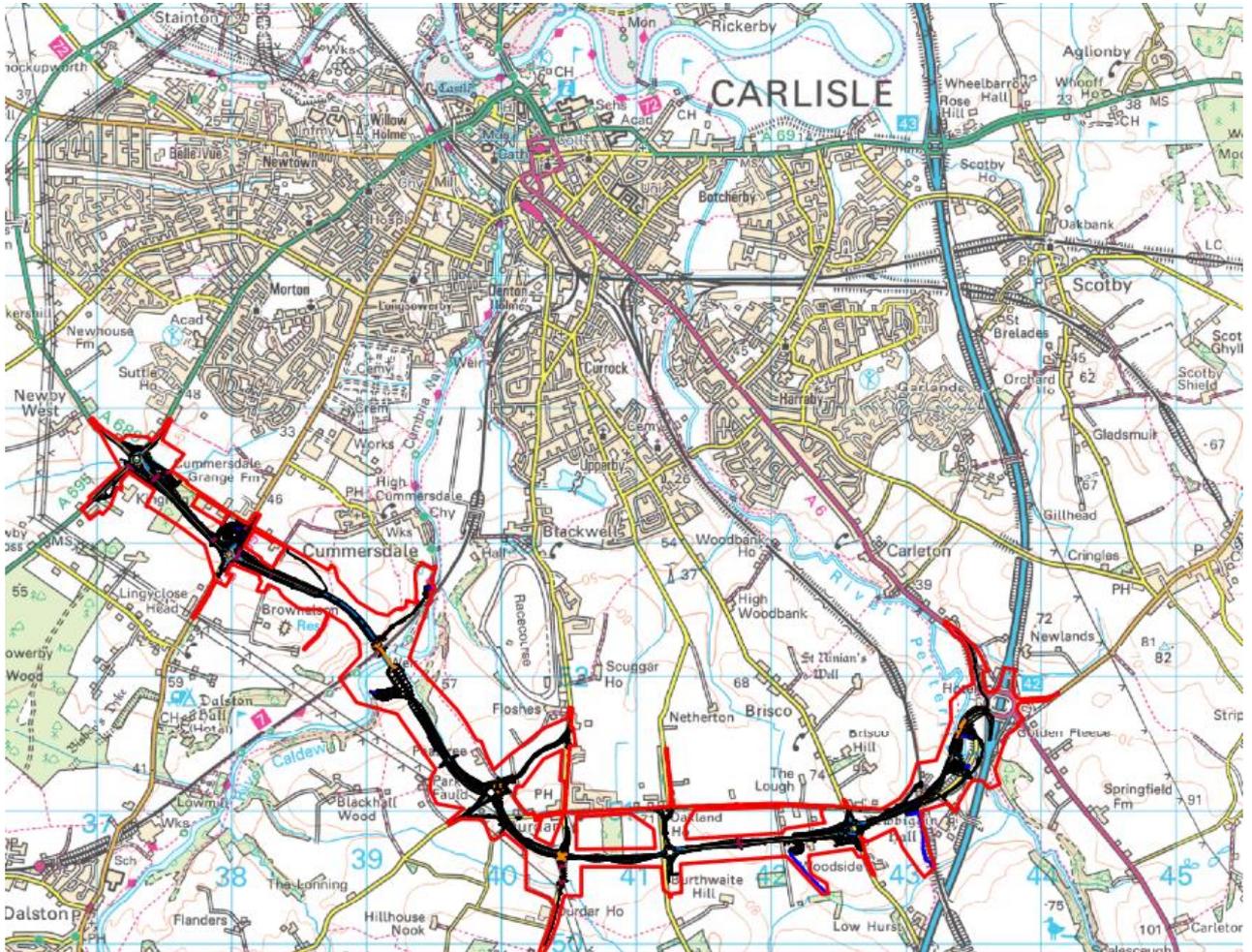
¹ Notes for the Pre-Inquiry meeting [PIMNotesv3.pdf \(programmeofficers.co.uk\)](#)

² PoE Geoff Holden ¶2.1.12

³ Nicola Parker on design overview, Paul Landreth on traffic modelling, Graeme Innes on planning, Geoff Holden on utilities, diversion and construction, Sue Kaner on environment, Matt Messenger on acquisitions and Alison Hatcher on scheme overview and finance.

1.11 The CSLR Scheme can be seen on the six general arrangements drawings⁴ which accompanied the Scheme. There are two flyover videos which were created during the early inception of the Scheme and which provide a broad view of the context for the Scheme, the surrounding landscape and an early iteration of the scheme⁵.

Figure 2: The Scheme Land (CPO Land)



1.12 The CSLR Scheme would result in a number of alterations being made to existing highways, with all such alterations being secured by the Side Roads Order (SRO). The link road would include five roundabouts, comprising four new roundabouts and improvements to the existing Newby West Roundabout. The four new roundabouts would be:

⁴ CD1.3.1 to CD1.3.6

⁵ [INQ009](#)
[INQ010](#)

- 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)

1.13 In addition, the Scheme would involve the provision of nine new bridges, of which four would be road bridges, four would be shared use pedestrian/cycle bridges and one would be an accommodation bridge to provide public rights of way and a private means of access. The proposed nine new bridges are:

- 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.

1.14 The CSLR Scheme also provides for cyclists and pedestrians along the entire length of the new classified road by the provision of the 'Shared Path'. The Shared Path would comprise a 3m-wide shared-use facility for pedestrians and cyclists which would run along the northern side of the carriageway.

1.15 At the western end of the Shared Path, a link would be provided to the existing Carlisle Northern Development Route 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 the new classified road to its eastern-most point where it would meet M6J42.

- 1.16 The Scheme would also provide some 40 new private means of access (PMAs) to farmland and properties, access to which would otherwise be severed by the new road.
- 1.17 The majority of the Scheme Land proposed for compulsory purchase is agricultural land and is typically used for a variety of things such as crops, grass for use as silage, grazing by livestock or a combination of all these activities on a rotational basis. Key features in the landscape which need to be crossed by the CSLR Scheme include the River Petteril, the River Caldw, the West Coast Main Line and Cumbrian Coast Line railways. Mitigation works and landscaping are embedded within the Scheme design and are set out in the Outline Construction Environmental Management Plan⁶, the Landscape Strategy⁷ and the Mitigation Schedule of the Environmental Statement⁸. These matters are secured in the Planning Permission already granted for the Scheme dated October 2020⁹.

The Compulsory Purchase Order (the CPO)

- 1.18 The Order lands are required for the purpose of constructing the SCLR and implementing the Side Roads Order (SRO). Individual plots are depicted in the CPO Plans¹⁰ and are more fully described in Appendix 2 to the Council's Statement of Case¹¹. The Scheme includes a total of 486 plots of land, of which 457 plots are to be acquired on a permanent basis (pink plots) and 29 of which are plots where rights are required (blue plots).
- 1.19 Some of the pink plots are required on a temporary basis to provide working space, compounds, soil storage and utility diversions during the construction of the scheme. However, as the Council explains¹² there is no legal mechanism to enable the Council to compulsorily acquire land on a temporary basis. It is the Council's intention to offer land back to the original owner, subject to any necessary rights granted to statutory owners or rights of access acquired by the Council, when construction is complete. This is in accordance with the Ministry of Housing, Communities and Local Government (MHCLG) Guidance on Compulsory Purchase Process and Crichel Down Rules (The Guidance) and I am satisfied that it represents a reasonable approach.

⁶ CD1.4.2

⁷ CD1.5

⁸ CD1.4.1

⁹ Planning Application reference 1/19/9012 [CD 1.8]

¹⁰ CD5.50.1 to CD5.50.6

¹¹ CD 5.35 ¶ 8.2.10 to 8.3.11

¹² PoE Matt Messenger ¶2.5

2. Procedural Matters and Statutory Formalities

- 2.1 The Applicant confirmed at the Inquiry that it had complied with all necessary statutory formalities in relation to both the CPO and the SRO. This compliance was not disputed.
- 2.2 The Applicant has submitted a planning application and planning permission has been granted in relation to the proposed Scheme¹³. The planning permission requires the development to be carried out in accordance with the submitted plans and the Environmental Statement¹⁴ (ES). It further requires the submission of detailed plans in relation to several matters including, advanced mitigation works, and the submission of a detailed construction environmental management plan prior to the commencement of development.
- 2.3 The ES has been undertaken and reported in accordance with the Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 and having regard to the amended provisions under the Highways Act 1980 (HA 1980). These Regulations apply the amended EU directive 2014/52/EU2 "*on the assessment of the effects of certain public and private projects on the environment*" (usually referred to as the 'Environmental Impact Assessment Directive') to the planning system in England. On 31 December 2020 The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 came into force and made changes to the 2017 Regulations. For the purposes of my assessment, they do not make any material difference.
- 2.4 The ES was published in October 2019. The ES comprises four volumes; a main text; appendices, figures, drawings and supporting document as well as a non-technical summary¹⁵. It includes comments from statutory consultees, comments made by any other person, and any other substantive information relating to the ES provided by the Applicant. A Water Environment Addendum to the ES was published in July 2020 to address changes to the Scheme made following consultation and discussions with the Environment Agency¹⁶. I am satisfied that it is a comprehensive and robust assessment.
- 2.5 I have taken all of these documents and the submitted environmental information, into account in reaching my recommendation.
- 2.6 The Scheme as submitted is the published scheme, without modifications.
- 2.7 Following the close of the Inquiry the Government published a revised National Planning Policy Framework (NPPF) July 2021). I wrote to the Applicant inviting any submissions in relation to the new NPPF and I have taken the response¹⁷ into account.

¹³ CD1.8

¹⁴ Contained at section B of the Core Documents

¹⁵ CD1.9 to CD1.13.9

¹⁶ CD1.13.10

¹⁷ INQ014

3. Description of The Order Lands and Surroundings

- 3.1 The Scheme is located within the administrative boundary of the Council which is the relevant highway authority and the local planning authority. The Scheme traverses the countryside lying to the south of Carlisle and travels across the ridge and valley and low farmland regional landscape character areas (LCAs). It is intended to provide connectivity from east to west and to service the needs of the planned Garden Village. The route will include new junctions linking radial routes into Carlisle and the Garden Village, as well as bridges over two main railway lines and two bridges over the River Petteril and River Caldew. The route passes through predominantly agricultural land interspersed with small woodland areas on a gently undulating topography. Settlements in the area comprise mainly isolated farmsteads and individual properties, with some villages or discreet suburbs located to the north of the route. These settlements include (from west to east) the ward and Carlisle city suburb of Morton, and the villages of Cummersdale, Durdar and Brisco.
- 3.2 The route crosses two railways, the West Coast Main Line and the Cumbrian Coast Line, and two rivers and their floodplains, the River Caldew and River Petteril. The hillier area lies between the West Coast Main Line and the M6. The Scheme passes across and within the valley containing the River Eden Special Area of Conservation (SAC) and River Eden and Tributaries Site of Special Scientific Interest (SSSI) at the crossing of the River Caldew.

4. Law and Policy

- 4.1 The SRO is made under Sections 14, 124 and 125 of the HA 1980. These provisions allow the Secretary of State, by Order, to authorise the stopping up of any highway or PMA and the provision of any improved or replacement highway, footpath and PMA, or new means of access to premises adjoining or adjacent to a highway. For an Order stopping up a PMA under section 125 of the Act to be approved, the SoS must be satisfied that continued use of the access is likely to cause danger to, or to interfere unreasonably with, traffic on the highway, and either no access is reasonably required, or that another reasonably convenient means of access to the premises is available or will be provided.
- 4.2 The SRO would also provide for the transfer of the new highways to CCC, the local highway authority as from the date that the new highway has been completed and it is open for through traffic.
- 4.3 It is a requirement that provision be made for the preservation of any rights of statutory undertakers in respect of their apparatus.
- 4.4 The draft CPO is made under sections 239, 240, 246, 249 and 250 of the HA 1980 and Parts II and III of Schedule 2 to the Acquisition of Land Act 1981. For this Order to be confirmed, the land affected must be required for the construction or improvement of, or the carrying out of works to, a highway maintainable at public expense, or for the provision of buildings or facilities to be used in connection with the construction or maintenance of a highway maintainable at public expense. The powers extend to the acquisition of land to

mitigate any adverse effects which the existence of a highway would have on the surroundings of that highway. The powers also extend to the acquisition of rights over land.

4.5 The CPO would authorise the acquisition of land and rights for the construction and improvement of highways and new means of access to premises in pursuance of the SRO. It would also authorise the acquisition of land to enable mitigation measures to be implemented as an integral part of the scheme.

4.6 In addition to the tests detailed above, the Guidance¹⁸ stipulates that, for land and interests to be included in a CPO, there must be:

- a compelling case for acquisition in the public interest;
- that this justifies interfering with the human rights of those with an interest in the land affected;
- that the AA has a clear idea of how it intends to use the land it seeks to acquire;
- that the AA can show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale; and
- that the scheme is unlikely to be blocked by any impediment to implementation.

The Policy Context

4.7 In terms of trunk roads, section 10(2) of the HA 1980 requires the Minister to *take into consideration* the requirements of national and local planning policy, including the requirements of agriculture, in making decisions.

4.8 The newly revised NPPF sets out the Government's planning policies for England. At the heart of the NPPF is a presumption in favour of sustainable development, which should be considered through both plan-making and decision-taking. The NPPF advises that significant weight should be placed on the need to support economic growth and productivity and that planning policies should provide for any large-scale transport facilities needed and the infrastructure necessary to support the operation, expansion and contribution to the wider economy¹⁹.

4.9 The National Policy Statement for National Networks (NPS-NN) may also be relevant to the proposal. Paragraph 1.4 states that the NPS-NN may be a material consideration in decision-making on applications that fall under the Town and Country Planning Act 1990 or any successor legislation.

4.10 The Development Plan for the Scheme area comprises the Cumbria Minerals and Waste Local Plan 2015-2030 and the Carlisle District Local Plan²⁰, adopted in

¹⁸ CD 3.5

¹⁹ ¶81 and ¶104

²⁰ CD4.2

2016. The district council, Carlisle City Council are preparing a Development Plan Document (DPD) for the Carlisle South broad location. This emerging plan is to be known as the St Cuthbert's Garden Village Local Plan (SCGV LP). The SCGV LP is relatively well advanced, with publication of a final draft anticipated once consultation responses have been considered.

- 4.11 The Carlisle District Local Plan contains policies to guide development and sets out sites required to deliver future housing, employment, retail and leisure development.
- 4.12 Once adopted the SCGV LP will form part of the development plan for the area. As part of this preparation a master planning exercise has been undertaken. The Final Masterplan Framework²¹ was published in October 2020 and it makes clear that the CSLR Scheme is integral to the delivery of the Garden Village.

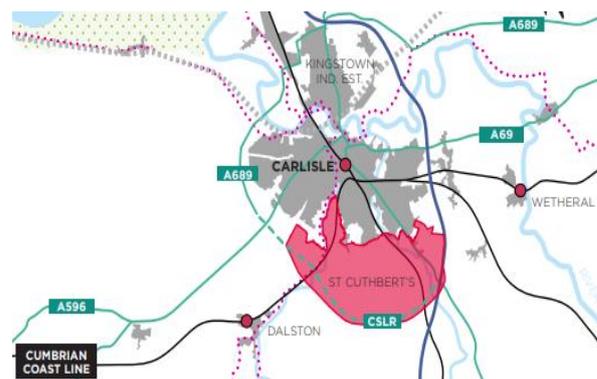


Figure 3: Garden Village Masterplan

- 4.13 The Final Masterplan Framework formed part of the evidence base used to inform and support the preparation of the SCGV LP and the development of a related Supplementary Planning Document addressing Strategic Design matters. The SCGV Strategic Design DPD was adopted in April 2021²². The progress of these policy documents demonstrates the commitment of the Council to the provision of the Garden Village which is predicated on delivery of the CSLR.

5. The Case for the Council [Acquiring Authority- AA]

Introduction on behalf of AA

- 5.1 This summary contains all material points in relation to the Applicant's case and it is substantially based upon the closing submissions of the Applicant. It is also taken from the evidence given on behalf of the Applicant and from other documents submitted to the Inquiry, including the Statement of Reasons and Statement of Case. The SoS is referred to the Applicant's closing submissions²³ which contain a full exposition of the Applicant's case.

²¹ CD4.13

²² CD4.17

²³ INQ012

- 5.2 To deliver the CSLR Scheme, the Council has applied to the SoS to confirm two orders which would provide the Council with the necessary powers to construct the road. The orders are the CPO and the SRO. The Council relies upon the written and oral evidence of its professional witnesses which support the case for confirmation of the orders.
- 5.3 As a result of much hard work by both the Council's team, as well as the landowners and other stakeholders, it can be recorded that at the close of the inquiry all objections have now been withdrawn and, as a result, no objector nor any member of the public has participated in the inquiry. That is rare for a sizeable road scheme and is indicative that the CSLR is accepted by the public to be a necessary scheme in the right form and place.
- 5.4 Therefore, all the objections to the Orders have been addressed in substance. Accordingly, it is not necessary to deal with the individual landowner objections. Instead, the Council's focus is on demonstrating that the relevant tests in the CPO Guidance are met.
- 5.5 The A689 runs in a predominantly northerly direction to the west of Carlisle before linking with Junction 44 of the M6, north of Carlisle. It 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 would provide a southern route from the west of Carlisle to the M6, completing an orbital route around the City. The CSLR 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) which constrain traffic and decrease the resilience of the highways network.
- 5.6 In addition to nine new bridges, seven new or modified road junctions, new drainage infrastructure, environmental mitigation, landscaping and lighting, there would also be a new segregated shared-use route for cyclists and pedestrians, running adjacent to the Carlisle (northern) side of the new road across its entire length. The Shared Path would facilitate a number of links to adjoining roads, rights of way, cycle paths and would improve connectivity with the Caldew Valley. This is a key part of the proposed CSLR Scheme, as well as the SCGV and has been designed to provide a continuously segregated route along the length of the scheme whilst still connecting to the surrounding network.

Main issues (AA)

- 5.7 The main issue with regards to the CPO is compliance with the CPO Guidance and more particularly:
- whether there is a compelling case in the public interest (including reasonable alternatives)
 - whether any interference with rights under the European Convention on Human Rights ("the Convention") is justified
 - whether the Council has a clear idea of how it intends to use the land it is proposing to acquire

- whether all the necessary resources are likely to be available within a reasonable timescale
- whether there is a reasonable prospect of the Scheme going ahead and whether there are any impediments to implementation; and whether compulsory purchase powers have been sought as a 'last resort'.

5.8 With regards the SRO, and now that the objections have been withdrawn, the main issue is the need for, and justification of, the SRO and compliance with the relevant HA 1980 tests. These closing submissions address each of these issues in turn.

Compelling case (AA)

5.9 The need case for the CSLR is set out in the evidence of Alison Hatcher and supported by the evidence of Graeme Innes (policy need) and Paul Landreth (highways need). It comprises three main parts:

- enabling the SCGV;
- improving the strategic highway network; and
- improving the local highway network.

5.10 Enabling the SCGV: The CSLR Scheme would directly support the delivery of the SCGV. The SCGV has the support of policy SP3 in the Carlisle District Local Plan (2015-2030) which sets the policy framework for the broad location of growth known as 'Carlisle South' with the detail of how the scheme would be taken forward to be developed through the emerging SCGV LP and the masterplan that sits under it. The SCGV is key to Carlisle's plans for growth. It 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.

5.11 The Council contends that there is a vital link between housing and economic growth in this area. The area has an ageing population, and the provision of housing is key to attracting working age people to the area, an obvious prerequisite if the County's growth ambitions are to be achieved. The delivery of the SCGV 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.

5.12 The Council's evidence demonstrates that the existing road network could accommodate only 1,000 homes from 'Carlisle South'. Nonetheless, the housing trajectory underpinning the local plan assumes the delivery of 1,450 dwellings before 2030 from this area²⁴. The provision of only 1,000 units would therefore fail to deliver the housing requirement for the current plan period, as well as the

²⁴ Graeme Innes PoE CCC/3/2 ¶3.13

10,325 new homes that could be delivered through the SCGV²⁵. Accordingly, the CSLR Scheme is not only vital to the realisation of the plans for growth in, and around, Carlisle in the longer term but it is required simply to deliver the housing planned for the current plan period.

- 5.13 Improving the strategic highway network: whilst Carlisle enjoys excellent north-south transport links, east-west connectivity is a significant problem. The CSLR would help to mitigate this by improving east-west connectivity in the north of the County and by providing improved connectivity between the A595 and the A69. The CSLR would therefore contribute to improving connectivity between the important industrial and economic areas of west Cumbria and the North East of England. This is important due to 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 alone spends £2 billion per annum), referred to as Britain's 'Energy Coast'.
- 5.14 There are substantial workforce flows between Carlisle and West Cumbria, with over 1,700 Carlisle residents working in the Cumbrian west coast. The strategic significance of the improved east-west connection offered by the CSLR Scheme is identified in the Transport for the North 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 country²⁶. The Major Roads Report (2018)²⁷, part of the Strategic Transport Plan's evidence base, specifically identifies the delivery of what it refers to as the 'Carlisle Southern Bypass' as providing complementary support to the achievement of its 'Portfolio of Pan-Northern Connectivity Priorities'.
- 5.15 Improving the local highway network: The Council's witnesses²⁸ explained the existing 6 problems in the network to the south of the City: the lack of the orbital route, the lack of resilience due to the limited crossing points of the rivers and railways and the fact that traffic needs to go into the City centre to make these crossings. The CSLR would complete that orbital route, providing more crossings and greater resilience in the network as a result.
- 5.16 The modelling shows that daily traffic flows are forecast to decrease on London Road, Wigton Road and Currock Road following the implementation and operation of the CSLR Scheme, as traffic reroutes onto the CSLR rather than travelling through the city centre. The model outputs also show reductions in flow along Newbiggin Road, and within the village of Dalston. These reductions are due to east-west trips rerouting from the minor rural roads to the west and south of

²⁵ CCC/2/2, §§3.11-3.13

²⁶ CD 4.10, p.129

²⁷ CD.4.08, p.136 and p.133 respectively

²⁸ Alison Hatcher CCC/7/2, §§3.28-3.41 and Paul Landreth CCC/3/2, §§5.1-5.27

Carlisle onto the CSLR. The forecasts show that the CSLR would lead to large travel time savings, demonstrating that the CSLR would reduce congestion by removing through traffic from the city centre, as well as a reduction in distance travelled, as the CSLR provides a new direct east-west route.

- 5.17 The economic benefits of this are significant and amount to £234m at 2018 prices²⁹. The reduction in flow on the radial routes would also improve road safety by reducing the frequency of accidents in the urban area, and the reduction in journey times and distance travelled would also lead to a reduction in greenhouse gas emissions. As a result, the CSLR would assist in addressing existing problems on the local highway network and lead to material economic benefits in doing so.
- 5.18 Alternatives: Alternatives are accepted to be relevant in that if there was an alternative to the proposed Scheme it may be harder to establish a compelling case in the public interest. The assessment of alternatives has been fully explored³⁰ and is also set out in detail in the Council's Statement of Case³¹.
- 5.19 In short, numerous intervention options were considered including on-line highway capacity improvements, sustainable transport improvements, park and ride, light-rail and a new road scheme. A new road was the preferred option. It was identified as being capable of creating the transport capacity needed to unlock the development potential to the south of Carlisle. After it was established that a road scheme was the preferred option, alternative routes for that road were considered. The current CSLR Scheme was selected following significant development and assessment work, including stakeholder and public consultations. The route selected was that with the most support from the public.
- 5.20 The comprehensive appraisal process demonstrated that none of the alternative solutions would achieve the identified objectives of the scheme or deliver the resultant benefits better than, or on an equivalent basis to, the CSLR Scheme.
- 5.21 Human Rights: The SoS, 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 European Convention on Human Rights ("the Convention") which is incorporated into domestic law by the Human Rights Act 1998 and, if there is interference, whether that interference is proportionate, justified and lawful.
- 5.22 The Council acknowledges that 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. A

²⁹ As shown in Mr Landreth's Appendix 5 CCC/2/3, Table 4.5

³⁰ Nicola Parker CCC/1/2, pp.12-17].

³¹ CD.5.35, Section 8

balance needs to be struck between, the need for the CSLR Scheme and the public benefits it would bring, with the nature and extent of any interference with private rights. It is important to note that there are currently no objections from any landowner. This is highly material and supports the Council's submission that no individual right which is affected by the CSLR Scheme is of such importance, or impacted to such an extent, such as to outweigh the substantial public benefits of the scheme.

5.23 Neither would the cumulative impact on private rights across the whole scheme be of such magnitude or severity as to outweigh the public benefits. Furthermore, any private losses would be mitigated by the fact that landowners, and those with the benefit of interests in land affected by the CPO, would be entitled to compensation payable in accordance with the statutory Compensation Code and those persons with a private means of access stopped up by the scheme would be provided, where necessary, with replacement facilities. Accordingly, the proposed compulsory purchase of land and rights over land would be:

- (i) Legitimate – in that if authorised by a confirmed CPO, the acquisition would be lawful;
- (ii) Necessary in the public interest – in that there is a clear and pressing need for the CSLR to underpin economic growth in the region and the land in the CPO is required to enable the scheme to come forward; and
- (iii) Proportionate – in the context of the balancing exercise described above and having regard to the entitlement to compensation for any land or rights acquired.

5.24 For the reasons set out above, any infringement of the Convention Rights of those whose interests are affected by the Orders would be proportionate and legitimate and in accordance with the law.

5.25 The intended use of the CPO land: There can be no real doubt that the Council has a clear idea as to how it intends to use the CPO land. All the land sought to be acquired is for the purposes of delivering and operating the CSLR. The Statement of Case³² provides an explanation of how each plot in the CPO is intended to be used.

5.26 A number of plots are only required on a temporary basis, such as 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 permanently). This approach is a contingency measure, to be deployed if 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

³² CD.5.35 Appendix 2

temporary possession of land for the purposes of constructing the CSLR Scheme. There can be no doubt that the acquisition of these plots or rights of these plots is necessary to deliver the scheme.

- 5.27 The Council would continue to make efforts to enter into land by agreement. In the case of land that is only required temporarily, this would have the benefit of the Council being able to hand the land back to the landowner. Following construction, if the Council disposes of any land which was acquired permanently but required only for the construction period, it would do so in accordance with the Crichel Down Rules such that the landowner would have the first opportunity to repurchase the land. As such, the test in paragraph 13 of the Guidance, as it relates to the need for the AA to have a clear idea of how it intends to use the land which it is proposing to acquire, is plainly met.
- 5.28 Funding: The estimated cost of the CSLR Scheme is £144 million. This figure includes provision for all anticipated costs associated with the delivery of the CSLR including, but not limited to, design, works delivery, land acquisition, utility diversions, project management costs and all other associated project delivery costs. Importantly, it includes suitable contingency and inflation allowances of £11.5m contingency and £10.5m inflation allowances respectively.
- 5.29 The Council has secured full funding for the scheme. The project is being funded with £134m from Homes England through MHCLG's Housing Infrastructure Fund ("HIF"), together with £5m from CCC and £5m from Carlisle City Council. The fact that Homes England are funding the majority of the CSLR is a major endorsement of the public benefits of the scheme.
- 5.30 The HIF is a MHCLG capital grant programme designed to increase delivery of new homes in England. It was made available to local authorities through a competitive bidding process, providing grant funding for new infrastructure to unlock new homes. The Council had to demonstrate how the CSLR would unlock land for the development of new homes in SCGV. In assessing the application, Homes England had to be satisfied that a robust case had been made and that the CSLR was essential for unlocking delivery of SCGV. Moreover, Homes England has increased its contribution from an initial figure of £102m.
- 5.31 A cost validation review of the CSLR was undertaken in parallel with the application for planning permission and this identified an estimated scheme cost of £136.7m, forecasting a funding shortfall of £24.7m. Thereafter Homes England increased its funding to cover this shortfall and, further, provided an additional £7.3m to accelerate delivery to support the economic recovery from Covid-19. This illustrates the wider Government's view that the CSLR is not only necessary in terms of the delivery of housing and the importance of that housing for the economic growth in the area but its recognition that projects such as this can play an important role in recovering from the pandemic.
- 5.32 Accordingly, funding is demonstrably in place (the HIF Grant Determination Agreement ("GDA"), under which the funding will be provided, is before the

Inquiry³³) and the fact that the source of the largest part of the funding has been secured through what was a competitive bidding process for infrastructure necessary to deliver housing, is a ringing endorsement of the compelling case in the public interest for the scheme.

5.33 Moreover, the funding is available within a reasonable timeframe. Indeed, as part of the GDA the funding is required to be defrayed by the end of March 2024. This is to ensure the accelerated delivery of the scheme and the housing that it will enable, as well as to assist in the recovery from COVID-19. As explained by Alison Hatcher, the estimated cost of the project has matured as the design has developed. Moreover, it includes substantial wriggle room in the form of contingencies and inflation allowances and, as such, it is a figure in which the Council has confidence. However, as Alison Hatcher confirmed in responding to questions from the Inspector, in agreeing to enter the GDA, the Council has accepted responsibility for any cost over-runs.

5.34 Planning: As set out, the CSLR Scheme is supported by a clear planning framework³⁴. It is essential to achieving the strategic growth and employment policy objectives set out in Policies SP2, SP5 and EC1 and specifically SP3 of the Carlisle District Local Plan³⁵ which allocates 'Carlisle South' (the site of SCGV) as a broad location for growth for a major mixed-use development, focusing on housing. The development of this housing in the form of the SCGV is predicated on the delivery of the CSLR and designed on the assumption that it will be in place.

5.35 There is further policy support in the NPPF³⁶, which promotes economic development and sustainable transport, as well as in the principles of the Cumbria Transport Plan Strategy 2011- 2026³⁷ and the Cumbria Infrastructure Plan (2012- 2015)³⁸ which prioritise a sustainable and prosperous economy and effective connections between people and places. The NPS-NN provides further support for the CSLR Scheme in that it sets out that the Government's objective is to deliver national networks that meet the country's long- term needs, support a prosperous and competitive economy and improve overall quality of life, as part of a wider transport system which includes: networks with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs and networks which support and improve journey quality, reliability and safety.

³³ CD5.7

³⁴ Graeme Innes's proof of evidence [CCC/3/2]

³⁵ CD.4.2

³⁶ Chapters 6 and 9 and ¶180

³⁷ CD.4.9

³⁸ CD.4.6

- 5.36 The SCGV Masterplan has now been finalised³⁹ and this is a key part of the evidence base for the emerging SCGV LP which is intended to be submitted for examination later this year. Mr Innes explains in his proof the interdependence between the CSLR Scheme and the SCGV masterplan. The whole approach to Section 6 of the Masterplan, 'Movement Framework and Access' is based around the opportunities afforded by the CSLR including maximising the use of the CSLR's shared use path.
- 5.37 The CSLR has been measured against this planning framework and on 13 October 2020 planning permission was granted by the Council as the Local Planning Authority for the road. In granting planning permission, the Local Planning Authority was informed by careful input from statutory consultees, none of whom objected to the CSLR Scheme. All consultees had weighed carefully all the benefits and impacts of the scheme and concluded that it was acceptable in planning terms. In the result, there is no planning impediment to the scheme.
- 5.38 There are a series of conditions attached to the planning permission and these remain to be discharged, although that process is now commencing. Conditions can only be imposed where they meet the tests of paragraph 55 of the NPPF and it would be unreasonable for a local planning authority to impose a condition that was not capable of being complied with. There has been no suggestion whatsoever that there will be any insurmountable difficulty in discharging any of the conditions attached to the planning permission. As such, the only feasible conclusion is that there is no impediment to the delivery of the scheme and that the proposals comply with the CPO Guidance.
- 5.39 Last Resort: The Council's evidence⁴⁰ sets out in detail the extensive engagement with landowners since August 2017. In July 2020, following confirmation of full funding for the Scheme, landowners were formally invited to enter negotiations with the Council with a view to agreeing terms by agreement for the acquisition of their land interests and, where required new rights. The current position is recorded in Table 7 of Mr Messenger's proof of evidence as updated by Mr Messenger in oral evidence⁴¹. This shows that the Council has engaged with all landowners and offers to purchase have been made to 41 of the 51 landowners. This has resulted in completed land purchases from three landowners and agreed terms with a further 13.
- 5.40 Every effort is being made to acquire land and rights over land by agreement and these efforts will continue. However, the number of land parcels and the disparity of ownership mean compulsory purchase powers are necessary to ensure that all of the land can be secured in a timely manner. Given the Council's need to deliver the CSLR Scheme within a specified timescale (in particular due to the pressures of the housing need, as well as the need to draw down all of the

³⁹ CD.4.13

⁴⁰ Matt Messenger CCC/6/2

⁴¹ CCC/6/2, p.20

funding before March 2024), 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 would be able to deliver the CSLR Scheme within this timescale without a CPO.

- 5.41 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. 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. The Council has made diligent enquiries to try to identify these landowners. It has affixed notices to the site for unknown owners when the CPO was made; made Land Registry enquiries; spoken to neighbouring landowners and knocked on doors. As a result, there is no feasible or available alternative way of delivering the Scheme without the need for the acquisition of land whether such acquisition is compulsory or by agreement and it can be properly concluded that the use of compulsory purchase powers in this case is as a 'last resort'.
- 5.42 Need and Justification for the SRO: The need and justification for the SRO follows the need for the CSLR. A 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 SCGV. The HA 1980 set out two key tests⁴² against which the SoS would need to assess the SRO and decide whether or not to confirm it.
- 5.43 The first test provides that 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. The CSLR Scheme complies with this test in all respects, save in two instances where a highway is to be stopped up where no replacement route is proposed. However, as explained⁴³ in each of these instances the length of highway which is proposed to be stopped up will become redundant when the CSLR Scheme is in place and as such there is no need or justification for an alternative. In the case of footpath No. FP111008 – the point is entirely technical as the footpath will continue to connect into the (widened) A595.
- 5.44 The second test⁴⁴ provides that 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.

⁴² Sections 14(6) and 125(3)

⁴³ By Ms Parker both in writing [CCC/1/2, pp.34-35, §6.14 and Figure 10 and §6.15 and Figure 11] and in her evidence in chief

⁴⁴ Section 125(3)

5.45 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. In all cases therefore, the statutory test is met.

Overall Conclusions of the Council

5.46 The CSLR is a vitally important piece of infrastructure for the future economic growth of Carlisle and the region. It would complete an orbital route around the City, alleviate existing local highways issues which will get worse as planned growth comes forward, materially improve east west connectivity and unlock the SCGV which is vital to ensure that there is sufficient housing and working population to underpin the planned economic growth. For these reasons the Government is funding the great majority of this scheme and, moreover, has provided additional funds to accelerate delivery in recognition of the need to implement the scheme as soon as practicable and the role it can play in the recovery from the pandemic. Not many schemes come forward with such an endorsement.

5.47 In the HIF application process the bid was expressly supported by Carlisle City Council, the Cumbria Local Enterprise Partnership, the Cumbria Chamber of Commerce, the Environment Agency, Highways England, Kingmoor Park Enterprise Zone, Network Rail, Pirelli (a large local employer) and Transport for the North. All these stakeholders emphasised the substantial economic and transport benefits that would be realised by the scheme. Such widespread support for a scheme of this nature is rare and is a clear endorsement of the public interest in seeing it realised.

5.48 The significant benefits of the CSLR Scheme can be realised without very material disbenefits. An infrastructure scheme of this size and type will always have significant impacts on the receiving environment and this proposal is no different but in the context of the size of the scheme the impacts are modest. The visualisations⁴⁵ show that the CSLR Scheme and its environmental mitigation and landscaping has been designed to integrate into the surrounding landscape.

5.49 There will be greater impacts at viewpoint 2 on the Cumbria Way and viewpoint 5 on the River Petteril Public Right of Way but both these locations are already affected by infrastructure (the Cumbrian Coast Railway and the M6 and A6 respectively). Moreover, the CSLR must be understood in a wider context: it is the catalyst for much extensive development in the area which is desirable for the future prosperity of Carlisle but would also transform the area to the south of the City and immediately north of the proposed road. This is a large scheme that would have environmental impacts, but it is also well-designed and sensitive to its

⁴⁵ Sue Kaner at her Appendix B [CCC/5/3] and Evidence in Chief

surrounding. The benefits it brings clearly outweigh any harms. That was certainly the conclusion of the local planning authority in granting planning permission.

5.50 For the reasons set out above, the CSLR meets the required tests in the CPO Guidance and any interference with the rights of landowners is in accordance with the law, necessary in the public interest and proportionate. The need for the SRO follows from the need for the CPO. For all these reasons, the Council invites the Inspector to recommend to the SoS that the Orders be confirmed and the SoS ultimately to confirm the Orders

6. The Representations of Supporters

6.1 There have been letters of support from, Carlisle City Council, Cumbria Chamber of Commerce, the Environment Agency, Highways England, Kingmoor Park Enterprise Zone, Network Rail, Pirelli, Transport for the North and the Cumbria Local Enterprise Partnership⁴⁶. Cummersdale Parish Council and Dalston Parish Council have also supported the scheme.

6.2 At public consultation events there was a high level of support with the 'overwhelming majority' of respondents to public stakeholder and consultation being in support⁴⁷. During the second public consultation event support for the principle of the CSLR was at 77%⁴⁸.

6.3 No stakeholders expressed any objections⁴⁹.

7. Withdrawn Objections

7.1 In total 17 parties initially 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. Three of the objections were received from statutory undertakers - NGN, Electricity North West and Network Rail. The other 14 objections were submitted by one or other of two local land agents on behalf of the landowners.

7.2 The objections from statutory undertakers related to the protection of their interests and assets. Agreements have been reached with all statutory undertakers and all objections formally withdrawn.

7.3 Objections from individual landowners were made on the basis of the inclusion of parcels of land which should not have been included, incorrect service of the notices which was later addressed by the Council during the process, too much land or unnecessary land was included in the CPO without proper justification, drainage concerns, impacts on working farms, proximity to residential properties and impact on residential amenity and the design of road junctions. A summary

⁴⁶ CD 5.2, CD5.15-5.22

⁴⁷ ¶5.6- 5.8 CD5.2

⁴⁸ ¶5.18 CD5.2

⁴⁹ ¶5.35 PoE Alison Hatcher

of these objections and the Council's response was set out in the Council's Statement of Case⁵⁰.

7.4 Following receipt of the objections the Council has engaged in discussions with all objectors with all objections being resolved and subsequently withdrawn.

8. Inspector's Reasons and Conclusions

Statutory Provisions and Guidance

- 8.1 The CPO seeks to acquire rights and ownership of land shown on the Order Map, as detailed in the Order Schedule, for the purpose of securing the carrying out of development of the CSLR, within which the Order lands are situated. It is made under the HA 1980.
- 8.2 The SRO tests require the SoS to be satisfied that the stopping up of any highway or PMA is justified on the basis that: continued use of the access is likely to cause danger to, or to interfere unreasonably with, traffic on the highway, and either no access is reasonably required, or that another reasonably convenient means of access to the premises is available or can be provided.
- 8.3 The Government's most recent and updated Guidance on confirming Orders⁵¹ ('CPO Guidance') states that AAs should use compulsory purchase powers where it is expedient to do so, and an Order should be made only where there is a compelling case in the public interest. The AA should demonstrate that they have taken all reasonable steps to acquire land and rights included in the Order by agreement. Compulsory purchase should only be a last resort to secure the assembly of land⁵².
- 8.4 The CPO Guidance further states that any decision whether to confirm an Order will be made on its own merits, but the following factors may be considered:
- whether the purpose for which the land is being acquired fits with the adopted local plan for the area;
 - the extent to which the purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
 - whether the purpose could be achieved by other means, such as through alternative proposals; and
 - the potential financial viability of the scheme for which the land is being acquired.

⁵⁰ CD5.35 pages 106-128

⁵¹ Guidance on Compulsory Purchase Process and the Crichel Down Rules (2019)

⁵² Paragraph 2 *ibid*

8.5 I shall examine these matters in turn, in addition to any other relevant matters.

Need for the scheme and the extent to which the proposed purpose will contribute to the economic, social or environmental well-being of the area

8.6 The need for the Scheme is predicated upon meeting three objectives: as an integral part of delivery of the Garden Village; to improve east-west connectivity and to improve the local highway network. The SCGV LP was adopted in 2016 and on a clear evidence base, it sets out a policy rationale for future growth of the Garden Village.

8.7 Provision of the Garden Village: Mr Innes explains that the emerging SCGV LP seeks to facilitate the construction of up to 10,325 new homes over a 30-year time horizon and to address the imbalance of employment land between the north and south of the city. Development of the scale proposed will create significant infrastructure demands. The existing local highway network to the south of Carlisle would be unable to sustain this quantum of planned development. Therefore, the provision of new modern highway infrastructure with greater capacity is considered an essential requirement for enabling the delivery of the Garden Village. Viability assessments demonstrate that it is not economically feasible for developers to provide the full range of infrastructure required for the Garden Village.

8.8 The existing transport issues in Carlisle are detailed in the evidence of Mr Landreth. The transport impacts⁵³ of the CSLR have been fully appraised by virtue of a transport forecasting model (the Carlisle Transport Model) which predicted future traffic conditions, traffic generation from the Garden Village and potential re-routing of vehicles. The model has been calibrated and validated. It was developed with the Highways Authority and Highways England and is a robust analysis. It included adjustments for future growth in traffic, housing and job growth.

8.9 The transport modelling clearly indicates that the Garden Village is dependent upon the CSLR scheme. The model illustrates the extent to which the Garden Village would exacerbate morning and afternoon peak over-capacity queues, over and above that which would be experienced by future traffic growth without the Garden Village⁵⁴. The projections indicate that, by 2023 the exacerbation would be such that in 2023 the Garden Village would become dependent on the CSLR scheme to address over-capacity. The conclusion drawn was that some 10% of the Garden Village housing could be accommodated on the existing road network with the CSLR. It follows that, without the CSLR scheme in place, the Garden Village could only realise some 1,017 dwellings. This amply illustrates the dependence of the Garden Village project on the new link road.

⁵³ Section 3 PoE Paul Landreth

⁵⁴ See Figures 3 and 4 in PoE Paul Landreth CCC/2/2

Carlisle highway network was assessed via the Carlisle Transport Model. The model indicated congestion at some junctions at the base year 2013, with projected increases along main radial routes particularly towards the town centre. A study was undertaken, in line with the Department for Transport's (DfT) transport appraisal process, to identify what transport infrastructure would be needed to support the Garden Village. The need for intervention was established by reviewing the existing constraints on the highway network and the traffic growth from development proposed in the Carlisle District Local Plan.

- 8.12 As part of the planning application for the CSLR, a Transport Assessment⁵⁶ was produced to summarise and draw conclusions from the outputs of the transport modelling to demonstrate the benefits of the scheme. Average Annual Daily Traffic (AADT) flows were calculated using the hourly model outputs and data from observed traffic surveys. AADT figures provide a guide to how overall traffic flows change without the need to consider different time periods separately. Two-way AADT traffic flows on key roads in Carlisle for the do-minimum (DM) and do something (DS), namely build the CSLR, for the core scenario in 2023 and 2038 are shown in Mr Landreth's Table 13.

Table 13: Forecast AADT traffic flows (core scenario)

Road	2023 DM	2023 DS	2038 DM	2038 DS
London Road	17,387	15,043	18,215	15,778
Wigton Road	15,952	14,750	17,213	15,746
Currock Road	10,546	7,895	12,160	8,669
Blackwell Road	7,917	7,990	8,202	8,336
Dalston Road	12,080	13,612	15,198	16,398
Durdar Road	4,148	6,022	4,482	6,899
Brisco Road	1,933	1,487	3,274	2,048

- 8.13 The model demonstrates that the CSLR would reduce traffic flows on key radial routes, London Road, Brisco Road, Currock Road and Wigton Road with corresponding reductions in traffic flows into the city centre as traffic re-routes onto the CSLR. With the CSLR there are forecast improvements in junction performance at a majority of junctions along key radial routes into the city centre⁵⁷.
- 8.14 Therefore, the CSLR would bring improved east-west connectivity with corresponding improvements to the local highway network in terms of travel time and congestion reduction⁵⁸. Using the COBALT software, the impacts of the CSLR scheme on highway safety were also considered. The accident appraisal forecasts a decrease of nearly 110 accidents on the highway network over the standard 60-year appraisal period. I am satisfied that the models and traffic impacts analyses

⁵⁶ CD1.1

⁵⁷ Mr Landreth figure 2 PoE

⁵⁸ ¶¶5.11-5.13 Paul Landreth PoE

are robust and can be relied upon. I am further satisfied that the benefits claimed are justified by reference to the outputs.

- 8.15 The Scheme has been designed to provide opportunities for walking, cycling, and public transport, which are important aspects of the Garden Village's placemaking principles. This would be done through the provision of a 3m-wide pedestrian and cyclist 'shared use' path which would run along the northern edge of the scheme in accordance with SCGV LP policy SP9 which aims to deliver healthy and thriving communities. The Shared Path would also connect into the wider cycling network enhancing opportunities for cycling and contributing further to sustainable transport objectives.
- 8.16 Environmental considerations: The impacts of the CSLR on greenhouse gas emissions are detailed by Mr Landreth⁵⁹ and are uncontested. Changes in greenhouse gas emissions from fuel consumption and electricity generation as a result of the CSLR were calculated using the TUBA software from changes in journey distance and speed. The changes were calculated in terms of traded sector and non-traded sector emissions, where traded sectors are those primarily associated with electricity generation and energy-intensive industry. The changes in emissions were assessed over a period of 60 years after the year of opening.
- 8.17 It was estimated that the scheme would lead to an increase of thirty tonnes of traded carbon dioxide equivalent emissions, and a decrease of nearly 21 thousand tonnes of untraded carbon dioxide equivalent emissions. The increase in traded emissions reflects a small increase in charging of electric vehicles due to induced demand, and the decrease in untraded emissions is due to reduced emissions due to reduced congestion. Overall, carbon dioxide emissions are forecast to decrease due to the scheme.
- 8.18 The environmental effects of the Scheme are detailed within the ES⁶⁰ and explained within the evidence of Ms Kaner⁶¹. Key environmental topics includes air quality, archaeology, nature conservation, landscape character, visual impact, agricultural land use, noise and vibration, outdoor access and recreation, water environment, geology and soils and cumulative effects. The planning application process took full account of the ES and consultee responses and the conclusion of the Council was that, subject to the proposed planning conditions, any potential harm would be reasonably mitigated and that any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of development⁶².
- 8.19 Air Quality: The ES concludes that short term impacts of the scheme on air quality due to the demolition of buildings and construction activities are negligible to medium in terms of the risk of dust soiling effects on human health and a medium to high risk for ecological receptors. Subject to mitigation measures

⁵⁹ ¶5.18-5.19 PoE

⁶⁰ CD1.9-CD1.13.10

⁶¹ CCC/5/1

⁶² Cumbria County Council Planning Report, Planning Statement Notice CD5.41

including implementation of a Dust Management Plan (DMP); monitoring of dust deposition throughout construction; and ensuring soil stockpiles are regularly wetted the potential for significant impacts will be ameliorated. No long-term significant impacts are identified.

- 8.20 Archaeology: within the Scheme area there are 165 identified sensitive receptors, of which 25 are medium in value (mostly historic hedgerows) and the remainder low value. There is also potential for unknown archaeological remains to be disturbed or destroyed during the construction works. Mitigation measures include trial trench evaluation, topographic surveys and archaeological recordings.
- 8.21 Nature Conservation: There are three sensitive areas that would be impacted by the Scheme. These are: The River Eden SAC; The Cummersdale Shingle Banks Site of Invertebrate Significance (SIS); The Peastree Ancient Semi-natural Woodland (ASNW). These sites have been assessed in the ES and mitigation have been assessed to ensure the impacts on these areas are minimised.
- 8.22 During construction clearance of woodland and other vegetation in preparation for construction would have an impact on local habitats and the species that live there. These include badgers; otters; brown hares; bats; barn owls; breeding birds; fish; invertebrates and amphibians. These species would lose their foraging areas, connectivity to breeding grounds and habitats. During operation there would be impacts on the River Eden SAC, local ponds and rivers due to shading, changes in flows and increases in pollution run-off from vehicular traffic. Foraging routes of badgers and brown hares would be disturbed, and five small bat roosts would be lost.
- 8.23 Mitigation measures are secured in the planning permission and include timing of site clearance works, protective fencing, new native woodland planting and replacement hedgerows and habitats, as well as the replacement of lost bat roosts. The total habitat loss resulting from the Scheme would be 89.24ha. Of this, 60.46ha comprises arable fields and improved grassland, which are of relatively low ecological value for many plant and animal species. Approximately 91.16ha of new habitat would be created, including approximately 10.33ha of species rich native meadows, 16km of hedgerows (plus 1km of translocated hedgerows from the site) and 23.33ha of native woodland planting. Approximately 5 trees would be planted for every 1 tree lost. Overall, I am satisfied that the scheme would improve the east west connectivity of habitats and provide an increase in diversity and abundance of certain habitats over and above the current baseline conditions.
- 8.24 Landscape and Visual Impact: during construction there would be impacts on the landscape including the introduction of plant, structures and traffic, earthworks activities and a loss of vegetation. During operation there would be the additional infrastructure, including the new roundabouts and bridges and changes to field patterns. Mitigation measures would include the hedgerow planting and translocated hedgerows referred to above; replacement woodland planting at a rate of 5 to 1; grading of slopes to facilitate a return to agricultural use. Taking all mitigation measures into account, at operational year 15 the ES concludes that the worst effects would have been reduced to slight adverse. I am satisfied that this is a justified conclusion.

- 8.25 In terms of visual impacts during construction there would be construction plant and exposed excavations. These would be most prominent during construction of the two bridges to cross the Rivers Caldew and Petteril. Flood lighting in the winter months and construction compounds would have adverse, albeit temporary, visual effects. During operation many viewpoints would be impacted, including those involving views of the bridges and embankments in a predominantly flat agricultural landscape.
- 8.26 During my pre-inquiry site visit I identified two of the most susceptible and sensitive viewpoints as those involving the river crossings. These matters were explored during oral evidence. Viewpoint 2 is from the Cumbria Way Public Right of Way (PROW) along the River Caldew which winds its way along the valley floor. This is a pleasing stretch of a long-distance route which runs parallel to the Cumbrian Coast railway line which is itself bounded by a palisade fence.



- 8.27 A light weight 3-span bridge is envisaged to facilitate the river crossing. At close quarters from the PROW it would dominate the immediate environment, causing a significant effect. Mitigation planting on the embankment would assist in ameliorating the visual effects of the bridge in middle distance and longer distance views. I accept the Landscape Visual Impact Assessment conclusion that by year 15, the matured planting would reduce the impact to moderate adverse magnitude and significance.
- 8.28 Viewpoint 5 is taken from the PROW running along the western bank of the River Petteril. From here there would be views east and south of the smaller bridge over the river and the embankments necessary for the road to make the progression to tie in to the M6 roundabout junction. Again, by year 15 mature mitigation planting would assist in integrating the scheme into its landscape but it would remain an obvious and significant structure in this part of the rural landscape. I conclude that the magnitude of effects at year 15 would be moderate adverse resulting in moderate adverse significance of effect.
- 8.29 Agricultural Land Use: The Scheme will result in a total permanent land take of 64.06ha, of which 16.57ha is classed as Best and Most Versatile (BMV) land. Construction effects include the potential for physical and chemical damage from pollution incidents, temporary severance of agricultural land parcels due to plant movements, soil storage and compounds. It is anticipated that the land will be returned to agricultural use following completion of the construction work. Mitigation measures include retention and re-use of topsoils, vegetation planting, tracked runways, wetting of heaped soils and soil storage in situ to prevent cross-contamination. Operation phase mitigation is incorporated into the Scheme design. It includes underpasses, overbridges, new access tracks, reinstatement

of turning heads, returning land to agricultural use, signage and fencing and removal and realignment of fencing.

- 8.30 Noise and Vibration: During construction the majority of sensitive receptors are close to construction access roads (the roads currently in the area) rather than the construction work of the Scheme. The main construction of the Scheme is typically more than 100m away from communities. Therefore, the majority of noise impacts would be caused by the increased construction traffic in the area. Due to the increase in road traffic, the Scheme would create more noise than that produced on the existing road network. However, since the new main road would be further from communities than the current road network, the noise levels for residential properties in the area would decrease once the Scheme is in operation.
- 8.31 Mitigation measures include the avoidance of night-time working, best practice construction methods and earth bunds near to those properties at highest risk of noise intrusion. In the long-term the effect of noise and vibration from the Scheme would be neutral or slightly improved for the dwellings in the area once the Scheme is operational.
- 8.32 Outdoor Access and Recreation: construction activities would necessitate the closure of routes or diversions of routes, including walking and cycling routes through the Caldew Valley and the severance of Miller's Way walking route for the construction of the bridge over the River Petteril. Overall, there would be a large to moderate impact on access and recreation during the construction phase caused by increased journey times and inconvenience for cyclists and walkers.
- 8.33 The ES concludes that, during operation, the Scheme would reduce the enjoyment of the use of the impacted outdoor areas by walkers and cyclists. This is due to the exposure to the new highway and bridge structures, changes in PROW routes and the introduction of new roundabouts on the local roads. However, there would be a large positive impact on the wider network. Approximately 12km of shared cycle/pedestrian paths would be provided, with 8km along the main route and further provision connecting to existing cycle/pedestrian routes, for example, in the Caldew and Petteril Valleys. I conclude that this is an accurate summary of the effects.
- 8.34 Water Resources and Flood Risk: mitigation measures during construction include methods to minimise the risk of water pollution to water courses, pond creation to capture and filter surface water run-off and the protection of tree roots. Habitat compensation would be provided, culverts are designed at points where the route crosses smaller watercourses and the new bridge structures are designed so as not to increase flood risk to properties.
- 8.35 Geology and Soils: Mitigation measures include discharge of highway drains into controlled ponds, earthworks drainage and adherence to a Soil Handling Strategy and Management Plan. All measures are already secured by condition. Excavated soil from construction would be reused across the Scheme for landscaping works wherever possible.
- 8.36 Cumulative Effects: the ES makes an assessment of the cumulative effects of the Scheme and other land allocated for development, including the Garden

Village. The main potential cumulative effects are from: committed development south of Morton; land allocated for housing in 2015 to the north of the Carlisle North Development Route (A689); and the SCGV. The ES explains that mitigation for cumulative effects has not been incorporated into this Scheme, as not all of the effects are fully clear. As a result, mitigation will be required for each development individually to avoid an increase in environmental effects. I am satisfied that this is an appropriate approach given the information available and the current position with regard to other cumulative developments.

8.37 I have had regard to the detailed assessments within the ES, supplemented by the Council's evidence to the Inquiry. Having regard to all matters I conclude that the Scheme would deliver the claimed social and economic benefits. In terms of environmental objectives, I conclude that the benefits of the scheme in environmental terms would outweigh any disbenefits identified.

Conformity with Development Plan and National Policy

8.38 As already indicated the development plan for the area includes the Carlisle District Local Plan 2015-2030⁶³ (LP) which was adopted in 2016. The LP sets out housing, employment land and other development needs up to 2030. LP policy SP2 guides strategic growth and distribution and explains that housing delivery is at the heart of spatial strategy, with land required to provide some 9,606 net new homes in the plan period. Carlisle South is identified as a broad location to accommodate additional housing growth within and beyond the plan period. Specifically, LP policy SP3 identifies Carlisle South as broad location for growth for a major mixed-use development, in accordance with a masterplan and supported by a DPD. Importantly policy SP3 recognises the future development of a southern relief road as an integral part of the masterplan.

8.39 LP policy SP5 acknowledges the important role which Carlisle performs as a sub-regional transport hub and seeks to improve strategic connectivity. It confirms that opportunities will be taken to increase the provision for walking and cycling and to improve connectivity and specifically to develop a southern relief road link. These aforementioned policies in an adopted plan dating back to 2016 illustrate the forward-planning in relation to the new road and its importance to strategic objectives in terms of future development and connectivity improvements.

8.40 LP policy EC1 relates to employment land allocations and supports the Garden Village proposal and further land release designed to support longer term economic objectives. LP policy IP1 acknowledges the importance of ensuring appropriate infrastructure necessary to support new development. I am satisfied that the Scheme is entirely in conformity with these local plan policies. The purpose for which the Order lands are required complies with these policies.

⁶³ CD4.2

- 8.41 Consultation on the SCGV LP Preferred Options Policies⁶⁴ ended in December 2020, with a publication draft anticipated imminently and adoption anticipated in the summer of 2022. The document provides a framework to guide the preparation of future planning applications relating to the Garden Village and seeks to enable and support the timely delivery of infrastructure provision. It includes a phasing plan illustrating the sequencing of delivery of each of the five phases.
- 8.42 The SCGV LP is supported by the Strategic Design DPD⁶⁵ which was adopted in April 2021 and sets out key design principles for the Garden Village. The final masterplan clearly illustrates the interdependence of the Garden Village and the new road scheme with development accessed from the new scheme junctions. Again, the Order lands proposed purposes accord with these documents.



Figure 5 Indicative Phasing Plan from SCGV LP Preferred Options Policies

- 8.43 I am also satisfied that the proposals accord with the revised NPPF, updated in July 2021. This states that Local Planning Authorities should take a proactive role in identifying, and helping bring forward land, that may be suitable for meeting development needs, using the whole range of powers available to them. It also underlines the importance of achieving sustainable development, including the three inter-related dimensions – economic, social and environmental, and it sets out a presumption in favour of sustainable development.

⁶⁴ CD4.16

⁶⁵ CD4.17

8.44 Similarly, the NPS-NN states its ambition to deliver national networks with capacity and connectivity to support national and local economic activity and facilitate growth as well as improving journey quality, reliability and safety. Taking all of these matters into consideration, I conclude that the purpose for which the Order lands would be acquired is entirely consistent with both the development plan and other national policies.

Statutory Tests in relation to the SRO

8.45 The Statement of Case⁶⁶ details the changes required to side roads, existing highway improvements and sections of highway to be stopped up, as well as details of PMA to be stopped up and/or replaced. The SRO works are detailed in Schedules 1 to 6 of the SRO⁶⁷ and shown diagrammatically on the six SRO Site Plans numbered 1 to 6⁶⁸.

8.46 The construction of the CSLR Scheme would involve a number of necessary alterations and changes to the existing highways, public rights of way and PMAs. Some sections of highway would have to be stopped up and recreated or replaced as part of the delivery of the CSLR Scheme and other sections of the highway would be stopped up permanently. The SRO is required to make the necessary changes to the local highway network to enable the delivery of the CSLR Scheme.

8.47 In all but two instances concerning the stopping up of PMAs, there would be a reasonably convenient alternative route already available, or a replacement route proposed. Therefore, all PMAs (subject to these two exceptions) satisfy the statutory tests in section 14(6) HA 1980. The first exception relates to footpath No. FP111008 from the fence line at its junction with the A595, north-westwards for a distance of 3 metres⁶⁹. In this case I am satisfied that a replacement access is not necessary given that the footpath would re-connect into the widened A595.

8.48 The second exception relates to the U1233 highway from its northern boundary of the C1014 Newbiggin Road travelling north-westerly for a distance of 135 metres⁷⁰. The two properties to which this length of highway, at its northern end, provides access, have been acquired by the Council and would be demolished in furtherance of the CSLR Scheme. As such I am satisfied that a replacement highway in substitute for this stopped up length of highway would not be required.

8.49 Under Section 125(3) 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 (a) no access to the premises is reasonably required or (b) that another reasonably convenient means of access to the premises is available or will be provided. Where any PMA is to be stopped up pursuant to the SRO, it is the

⁶⁶ CD5.35 sections 15.5 to 15.10

⁶⁷ CD5.34

⁶⁸ CD 5.59.2 to CD5.59.7

⁶⁹ As referenced in Schedule 1 to the SRO and as shown on Site Plan 1

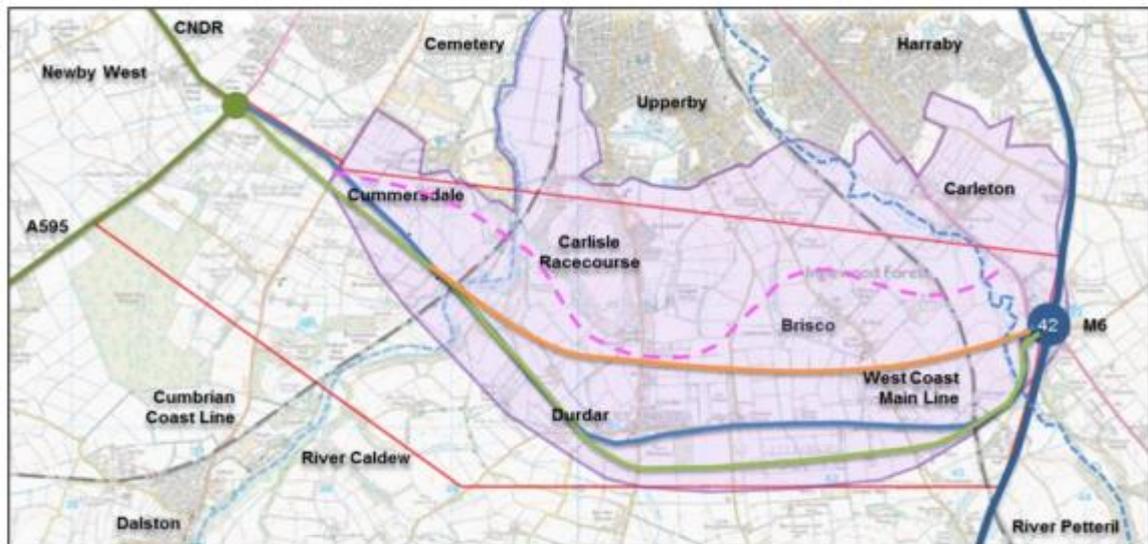
⁷⁰ Schedule 6 to SRO at CD5.34 and shown on site plan 6 CD5.59.7

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. As such the statutory tests in relation to the SRO are met.

Alternatives

- 8.50 The Council's case in relation to the alternatives considered is set out in some detail in its Statement of Case⁷¹. In terms of meeting the objectives the Council considered a wide range of options including online highway capacity improvements, sustainable transport improvements, park and ride schemes, light rail and a new road scheme. A comprehensive analysis was undertaken using the DfT's Early Assessment and Sifting Tool which resulted in all options save for a new road scheme being discounted. Online highway capacity improvements had deliverability concerns but would also result in increased traffic flow to the city centre. Sustainable transport improvements would bring only modest benefits and fail to support development in South Carlisle. A park-and-ride scheme was discounted due to uncertainty about its potential effectiveness and commercial viability. Finally, light rail was discounted due to overwhelming uncertainty and a conclusion that it would not meet all of the objectives.
- 8.51 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. A further recommendation was that the potential to implement some or all of the sustainable transport improvements option should be investigated as an integral part of any Scheme in order to improve the sustainability and accessibility of the Garden Village.
- 8.52 During the second stage of the process considering alternatives, various road schemes were considered with five potential routes identified. Following an initial sift, three potential routes were carried forward into Stage 2 of the TAG assessment. The TAG Stage 2 Further Options Appraisal exercise examined each of the three routes. (see plan overleaf)
- 8.53 The Orange and Green routes largely crossed agricultural land, whereas the Blue route would cross agricultural land but also make maximum use of existing infrastructure within the identified corridor. The Orange route was developed to use the most direct alignment possible without crossing Carlisle Racecourse. 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 as it crosses the high ground at Blackhall Wood and High Brownelson. The Blue route was developed to maximise the reuse of existing infrastructure.

⁷¹ CD5.35 Section 8

Figure 7: Routes Developed Further

8.54 Following further work, it was recognised that the Blue route would not result in an acceptable tie-in to the M6 motorway due to road alignment issues and that it would result in significant impacts to properties fronting Newbiggin Road. It was therefore discounted, and the Green and Orange routes were developed further and put forward for public consultation. The Green route then emerged as the preferred public option and was recommended by the Council.

8.55 I am satisfied that at each stage of the process there was detailed analysis of alternatives and that robust decisions were taken regarding alternatives. I conclude that the Scheme is fully justified as the optimal solution for achieving the objectives.

Financial viability and Funding

8.56 The cost of the Scheme has increased since its inception and due to its evolution through various iterations. The estimated cost is now £144m. This is to be funded with a £134m grant⁷² from Homes England via MHCLG HIF, with a further £5m from CCC and £5m from Carlisle City Council. The initial successful bid to Homes England was for a £102m grant and this was increased following scheme cost review exercises. Those costs include design, works delivery, land acquisition, utility diversions, project management and other associated project delivery costs.

8.57 As part of the HIF bidding process the Council has had to demonstrate a robust case for the Scheme. At the Inquiry Ms Hatcher gave evidence regarding contingency and inflation allowances. The contingency allowance stands at a healthy £11.5m and the inflation allowance is £10.5m. She described a continuous process of cost reviews, with procedures in place to identify and

⁷² Secured by the HIF Grant Determination Agreement dated 31 July 2020.

mitigate cost pressures. Ultimately the Council has accepted responsibility for any cost overruns⁷³. The GDA between the Council and Homes England contains a number of conditions, one of which is acquisition by the Council of the land necessary to build the project. Other conditions include defrayal of the grant by 31 March 2024 and the contributions by CCC and Carlisle City Council.

8.58 Having regard to all of the above I am satisfied that these costings have been subject to robust analysis and that there are funds in place to implement the Scheme should the SoS confirm the Orders.

Requirement for the Order and attempts at land acquisition and achieving objectives by other means

8.59 Mr Messenger is the Commercial Development Lead at the Council and gave evidence⁷⁴ as to the approach to land assembly. The exercise of CPO powers was deemed necessary due to the complexity of land assembly and the need to deliver the Scheme expeditiously. The Scheme includes a total of 486 plots of land. Some 457 plots are to be acquired on a permanent basis, 7 of which are in unknown ownership, with the remaining plots owned by 49 identified freehold owners. A total of 29 plots are affected by easements which the Council would need to acquire over the land.

8.60 I have heard evidence as to the Council's efforts in identifying the owners of the unknown plots of land. These efforts include posting notices, making local enquiries and newspaper advertisements. Whilst the efforts have not yielded any further information, I am satisfied that reasonable efforts have been made to identify owners of the 7 plots of land and that the exercise of CPO powers is necessary in relation to this matter.

8.61 There have been extensive landowner negotiations which commenced in August 2017 and have continued up to the date of the Inquiry. The current status of landowner engagement is detailed in Mr Messenger's evidence⁷⁵. Essentially the Council has been in contact with 51 freehold owners and these negotiations are at various stages of advancement ranging from landowner interests purchased, through agreed Heads of Terms, to offers being issued and terms negotiated. As a result of the Council's efforts all objections have been withdrawn and the negotiations have been fruitful.

8.62 The Order lands are needed to deliver the CSLR Scheme which is a complex Scheme spanning some 8km over multiple land parcels. The Scheme itself is necessary to facilitate future growth south of Carlisle and to ameliorate the traffic effects of such growth, as well as improving the existing network and providing a vital east west link across the county. Having regard to the nature of the land parcels along the linear route which would require assembly and the timeframe for delivery of the Scheme, I am satisfied that the use of compulsory acquisition

⁷³ CD5.25 page 9, Cabinet minute of commitment to enter into the GDA.

⁷⁴ CCC/6/2

⁷⁵ Ibid Table 7 PoE

powers have been appropriately exercised and that the Council has made extensive efforts to negotiate with all affected parties. On this basis I conclude that the CPO is a last resort to secure the assembly of all the land needed for the implementation of the project. The objectives could not be achieved by any other means.

Public Sector Equality Duty

8.63 With regards to the Public Sector Equality Duty, there has been no conduct by the Council, or promoters, that has been brought to my attention that is prohibited under the Act. I have also had regard to my duties under the Public Sector Equality Act throughout the conduct of the CPO proceedings. I conclude that that the duty has been fully complied with.

Compelling Case in the Public Interest

8.64 The test to be applied in considering whether to confirm a CPO is whether there is a compelling case in the public interest for it to be made. This test satisfies the balancing act required when considering whether interference with Article 8 and/or Article 1 of the First Protocol constitutes a breach of the European Convention on Human Rights (ECHR) and is thus lawful and justified.

8.65 The guidance advises that compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. It also advises that compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change.

8.66 There are a number of interests in the land, and it would be unrealistic to expect the Council to acquire all of those interests by private treaty within a reasonable timescale. It is evident that compulsory purchase is required to allow assembly within a timely fashion.

8.67 I have concluded that the CSLR scheme would make significant contributions to the economic and social well-being of the area. The scheme is supported by development plan policies and national policies. The CSLR has been identified as a necessary piece of infrastructure to support delivery of the strategic housing land allocation and there is a clear evidence base pointing to its necessity.

8.68 On balance, whilst there would be some limited harm to environmental objectives, this harm would be mitigated and offset to some extent by environmental gains. The provision of housing on a large scale is necessary to meet the future housing needs of the borough and the project would assist in facilitating the release of land for some 10,000 new homes. Without the Council having the requisite control over the land needed for the CSLR the housing within the Garden Village strategic allocation would not be realised to its fullest extent.

8.69 Having regard to all of the above I am firmly of the view that interference with the private rights of the affected individuals is more than justified by the identified public benefits. Those individuals would of course be entitled to compensation for the loss of their land.

Inspector's Conclusions and Recommendation

Conclusions on the Side Roads Order

- 8.70 It is a requirement that provision be made for the preservation of any rights of statutory undertakers in respect of their apparatus. Moreover, no stopping up order shall be made unless either another reasonably convenient route is available or will be provided before the highway is stopped up. Furthermore, the stopping up of a PMA shall only be authorised if the SoS 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.
- 8.71 With regards to the statutory criteria to be satisfied, I am mindful that provision is being made for statutory undertakers' apparatus within the proposal, and that liaison between the Applicant and the companies affected is on-going.
- 8.72 I conclude that, where a highway or PMA is to be stopped up, the SRO would provide a reasonably convenient alternative route or access for road users, as described in the schedules and plans of the SRO.

Conclusions on the CPO

- 8.73 The CPO includes a schedule and plan of the land the Applicant seeks to acquire outright and that land over which it seeks to acquire rights. In accordance with the Guidance the CPO is accompanied by a Statement of Reasons. The Applicant's case in relation to the CPO is set out within that document.
- 8.74 The overall benefits in terms of providing the infrastructure necessary to facilitate the delivery of housing, together with improvements to the local highway networks and improved connectivity, when taken together, represent a compelling case in the public interest for the acquisition of the land.
- 8.75 I am satisfied that the Applicant has taken reasonable steps to acquire the land and rights as set out in the Statement of Reasons by agreement. Negotiations with landowners have continued and all objections have now been withdrawn. The acquisition of the land represents an interference with the human rights of those affected but when balanced against the need for the land to facilitate the overall benefits of the Scheme, I conclude that the interference is proportionate and justified. The landowners will be able to claim compensation.
- 8.76 There is a clear purpose for the acquisition of the land and the necessary resources are available. I am further satisfied that there are no physical or legal impediments which are likely to block or delay the scheme.
- 8.77 I consider that the purposes for which the CPO is promoted justifies interfering with the human rights of those with an interest in the land affected, having regard to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and the Human Rights Act 1998.
- 8.78 I have found above that the Applicant has a clear idea of how the land to be acquired would be used and a reasonable expectation that the necessary

resources would be available to carry out its plans within a reasonable timescale. I conclude that there is a compelling case in the public interest for the CPO.

Recommendations

- 8.79 I recommend that The Cumbria County Council (A689 (Carlisle Southern Link Road) Classified Road) (Side Roads and Other Works) Order 2020 should be made.
- 8.80 I recommend that The Cumbria County Council (Carlisle Southern Link Road) Compulsory Purchase Order 2020 should be made.

Karen L Ridge

INSPECTOR

Appendix A- APPEARANCES AT THE INQUIRY

FOR THE ACQUIRING AUTHORITY, CUMBRIA COUNTY COUNCIL:

Mr Mark Westmoreland-Smith of Counsel

He called

Ms Nicola Parker	Design Overview
Mr Paul Landreth	Traffic Modelling
Mr Graeme Innes	Planning
Ms Sue Kaner	Environment
Mr Geoff Holden	Utility Diversions, Land Use and Construction Related Matters
Mr Matt Messenger	Land Acquisitions
Ms Alison Hatcher	Overview and Strategic Case

INTERESTED PERSONS:

No interested persons appeared at the Inquiry.

Appendix B- CORE DOCUMENTS LIST

The following is a list of core documents for ease of reference. Each document can be accessed via the embedded link.

The Core Documents and Other Documents are maintained on the Programme Officer's website and can be viewed at

<https://programmeofficers.co.uk/Carlisle/>

REF	NAME OF DOCUMENT
	APPLICATION DOCUMENTS
CD1.1	CSLR Transport Assessment Report – Capita – October 2019
CD1.1.1	Transport Assessment Appendix - October 2019
CD1.1.2	Transport Assessment Addendum - January 2020
CD1.2	CSLR Planning Application Form
CD1.3.1	General Arrangement Drawing 1
CD1.3.2	General Arrangement Drawing 2
CD1.3.3	General Arrangement Drawing 3
CD1.3.4	General Arrangement Drawing 4
CD1.3.5	General Arrangement Drawing 5
CD1.3.6	General Arrangement Drawing 6
CD1.4	DMRB Stage 3 Environmental Statement (ES) Volume 1 - October 2019
CD1.4.1	Appendix 17.1 Mitigation Schedule
CD1.4.2	Outline Construction Environmental Management Plan – Rev.P01 - Dated October 2019
CD1.5	Landscape Strategy
CD1.6.1	Landscape Plan 1
CD1.6.2	Landscape Plan 2
CD1.6.3	Landscape Plan 3
CD1.7.1	Planting Details Sheet 1

REF	NAME OF DOCUMENT
CD1.7.2	Planting Details Sheet 2
CD1.8	Planning Permission Decision Notice - October 2020
CD1.9	Non-Technical Summary - October 2019
CD1.10	ES - Vol 1 Water Resources & Flood Risk Addendum (April 2020)
CD1.11.1	ES - Vol 2 Plans - Cover Sheet
CD1.11.2	ES - Vol 2 Plans -Fig 1.1 Location Plan
CD1.11.3.1	ES - Vol 2 Plans -Fig 2.2 Main Line Long Section (1 of 5)
CD1.11.3.2	ES - Vol 2 Plans -Fig 2.3 Main Line Long Section (2 of 5)
CD1.11.3.3	ES - Vol 2 Plans -Fig 2.4 Main Line Long Section (3 of 5)
CD1.11.3.4	ES - Vol 2 Plans -Fig 2.5 Main Line Long Section (4 of 5)
CD1.11.3.5	ES - Vol 2 Plans -Fig 2.6 Main Line Long Section (5 of 5)
CD1.11.4	ES - Vol 2 Plans -Fig 3.1 Stage 1 Route Options
CD1.11.5.1	ES - Vol 2 Plans -Fig 6.1 Construction Dust Study Area
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CD1.11.12.3	ES - Vol 2 Plans -Fig 12.3 Noise Monitoring Locations
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CD1.11.12.5	ES - Vol 2 Plans -Fig 12.5 Noise Effects in the Long Term - Do-Minimum DM'38 - DM'23 Night-time
CD1.11.12.6	ES - Vol 2 Plans -Fig 12.6 Noise Effects in the Short Term - Do-Something DS'23 - DM'23 Daytime
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CD1.12.3.1	ES - Vol 3 Appendix 7.1 - Cultural Heritage - Walkover of Site
CD1.12.3.2	ES - Vol 3 Appendix 7.2 - Cultural Heritage - Geophysical Survey

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CD1.12.3.3	ES - Vol 3 Appendix 7.3 - Cultural Heritage - Archaeological Evaluation Phase 1 Interim Report
CD1.12.3.4	ES - Vol 3 Appendix 7.4 - Cultural Heritage - Geophysical Survey Report Phase 2
CD1.12.4.1	ES - Vol 3 Appendix 8.1 - Nature Conservation - Updated Phase 1 Habitat Survey Report
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CD1.12.4.16	ES - Vol 3 Appendix 8.16 - Nature Conservation - River Caldey and Petteiril Fisheries and Habitat Survey
CD1.12.4.17	ES - Vol 3 Appendix 8.17 - Nature Conservation - Habitat Regulations Assessment (HRA) - Rev. P03 - dated 2020-01-08
CD1.12.4.18	ES - Vol 3 Appendix 8.17 - Nature Conservation - SUPERSEDED Habitat Regulations Assessment (HRA) - dated 2019-10-28
CD1.12.4.19	ES - Vol 3 Appendix 8.17 - Nature Conservation - SUPERSEDED - Habitat Regulations Assessment (HRA) - dated 2019-10-04
CD1.12.5.1	ES - Vol 3 Appendix 9.1 - Landscape Character - Landscape Survey Sheets
CD1.12.5.2	ES - Vol 3 Appendix 9.2 - Landscape Character - Landscape Baseline Descriptions and Photography
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CD1.12.9.2	ES - Vol 3 Appendix 13.2 - Noise and Vibrations - Outdoor Access Aug 2018 Survey Sites
CD1.12.10.1	ES - Vol 3 Appendix 14.1 - Water Environment - Water Framework Directive Compliance Report
CD1.12.10.2	ES - Vol 3 Appendix 14.2 - Water Environment - River Petteiril Geomorphological Impact Assessment
CD1.12.10.3	ES - Vol 3 Appendix 14.3 - Water Environment - River Caldeu Geomorphological Impact Assessment
CD1.12.11.1	ES - Vol 3 Appendix 15.1 - Geology and Soils - Preliminary Sources Study
CD1.12.11.2	ES - Vol 3 Appendix 15.2 - Geology and Soils - Contaminated Land Assessment Report
CD1.12.12	ES - Vol 3 Appendix 16.1 - Cumulative Effects - Cumulative Impacts Assessment
CD1.12.13.1	ES - Vol 3 Appendix 17.1 - Summary and Conclusions - Mitigation Schedule
CD1.12.13.2	ES - Vol 3 Appendix 17.1 - Addendum: Updated Mitigation Schedule: Archaeology (Chapter 7) (Dec 2019)
CD1.12.13.3	ES - Vol 3 Appendix 17.1 - Mitigation Schedule Addendum (April 2020)
CD1.13.1	ES - Vol 4 Supporting Docs - RP13 BS5837 2012 Tree Survey and Arboricultural Impact Assessment
CD1.13.2	ES - Vol 4 Supporting Docs - RP14 Construction Environmental Management Plan (CEMP)
CD1.13.3	ES - Vol 4 Supporting Docs - RP15 Archaeological Study
CD1.13.4	ES - Vol 4 Supporting Docs - RP16 Heritage Statement
CD1.13.5	ES - Vol 4 Supporting Docs - RP17 Landscape Strategy
CD1.13.6	ES - Vol 4 Supporting Docs - RP18 Socio-Economic Impact Assessment
CD1.13.7	ES - Vol 4 Supporting Docs - RP19 Bird Strike Statement
CD1.13.8	ES - Vol 4 Supporting Docs - RP20 Photomontages of Caldeu Bridge (and other areas)
CD1.13.9	ES - Vol 4 Supporting Docs - RP21 Health Considerations Summary Report
CD1.13.10	Addendum - ES - Chapter 6 - Water Environment 08-07-2020
	Legislation (as amended)
CD2.1	Acquisition of Land Act 1981
CD2.2	Compulsory Purchase Act 1965
CD2.3	Compulsory Purchase (Inquiries Procedure) Rules 2007
CD2.4	Equality Act 2010
CD2.5	European Convention on Human Rights - Council of Europe 1953
CD2.6	Highways Act 1980

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CD2.7	Highways (Inquiries Procedure) Rules 1994
CD2.8	Human Rights Act 1998
CD2.9	The Traffic Signs Regulations and General Directions 2016
	National Policy & Guidance
CD3.1	A Green Future Our 25 Year Plan to Improve the Environment - Defra 2018
CD3.2	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 is the confirming authority – issued by the Department of Transport, June 1997.
CD3.3	Circular 1/97 – Highways Act 1980: Orders under section 14 of the Highways Act 1980 and opposed orders under section 124 of that Act – issued by the Department of Transport, June 1997
CD3.4	The Traffic Signs Regulations and General Directions - DfT May 2016
CD3.5	Guidance on CPO and The Criche Down Rules - MHCLG July 2019
CD3.6	Guidance on Road Classification and the Primary Route Network - DfT March 2012
CD3.7	The National Planning Policy Framework - MHCLG June 2019
CD3.8.1	Traffic Signs Manual Chapter 1 - DfT 2018
CD3.8.2	Traffic Signs Manual Chapter 2 - DfT
CD3.8.3	Traffic Signs Manual Chapter 3 - DfT 2019
CD3.8.4	Traffic Signs Manual Chapter 4 - DfT 2018
CD3.8.5	Traffic Signs Manual Chapter 5 - DfT 2019
CD3.8.6	Traffic Signs Manual Chapter 6 - DfT 2019
CD3.8.7	Traffic Signs Manual Chapter 7 - DfT 2019
CD3.8.8	Traffic Signs Manual Chapter 8 Part 1 - DfT 2009
CD3.8.9	Traffic Signs Manual Chapter 8 Part 2 - DfT 2009
CD3.8.10	Traffic Signs Manual Chapter 8 Part 3 - DfT 2020
CD3.9	Transport Analysis Guidance - DfT 2019
CD3.10	Guidance on Local Cycling and Walking Infrastructure Plans April 2017
CD3.11	Gear Change – A Bold Vision for Walking and Cycling – July 2020
CD3.12	Cycling and Walking Investment Strategy – April 2017
	Local Policy and Guidance
CD4.1	Borderlands Growth Deal (Heads of Terms) July 2019

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CD4.2	Carlisle District Local Plan 2015-2030 - Adopted November 2016
CD4.3	Carlisle Transport Improvement Study 2015 - CCC February 2015
CD4.4	Cumbria Countryside Access Strategy 2014-2019 - CCC April 2014
CD4.5	Cumbria Cycling Strategy 2017-2022 - CCC July 2017
CD4.6	Cumbria Infrastructure Plan - Cumbria LEP May 2016
CD4.7	Cumbria Local Industrial Strategy - Cumbria LEP March 2019
CD4.8	Major Roads Report - Transport for the North January 2018
CD4.9	Moving Cumbria Forward Cumbria Local Transport Plan (2011-2026) - CCC
CD4.10	Strategic Transport Plan 2019 - Transport for the North February 2019
CD4.11	SCGV Local Plan Overview and Scope - Sep 2019
CD4.12	SCGV Stage 2 Masterplan - August 2019
CD4.13	SCGV Final Masterplan - October 2020
CD4.14	SCGV Strategic Design Supplementary Planning Document - November 2020
CD4.15	St Cuthbert's Garden Village - Masterplan Stage 1 – Concept and Vision – February 2019
CD4.16	St Cuthbert's Garden Village – Local Plan Preferred Option Policies – November 2020
CD4.17	SCGV Strategic Design Supplementary Document – April 2021
	Other Documents
CD5.1	Cabinet Resolution to Make the CPO and SRO - 27 August 2020
CD5.2	Cumbria LEP Letter of Support for the CSLR scheme and SCGV - 15 August 2018
CD5.3.1	CSLR TAG Stage 1 - Report Not incl Appendices A E G J - June 2016
CD5.3.2	CSLR TAG Stage 1 - Appendix A - June 2016
CD5.3.3	CSLR TAG Stage 1 - Appendix E - June 2016
CD5.3.4	CSLR TAG Stage 1 - Appendix G - June 2016
CD5.3.5	CSLR TAG Stage 1 - Appendix J - June 2016
CD5.4	CSLR TAG Stage 1 Addendum – September 2017
CD5.5	Agreement Under S6 Highways Act 1980 – September 2020
CD5.6	HIF Forward Fund Expression of Interest for CSLR – September 2017
CD5.7	HIF GDA between CCC, Carlisle City Council and Homes England – July 2020
CD5.8	Letter Confirming Award of HIF Grant – April 2019

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CD5.9	Equality Impact Assessment – CCC August 2020
CD5.10.1	Distributed Impact Appraisal - Screening
CD5.10.2	Distributed Impact Appraisal – User Benefits
CD5.11.1	Social Impact Appraisal – Journey Quality
CD5.11.2	Social Impact Appraisal – Physical Activity
CD5.11.3	Social Impact Appraisal – Security
CD5.11.4	Social Impact Appraisal – Severance
CD5.12	Construction Compounds, Temporary Works Areas and Key Utility Diversion Locations drawing
CD5.13	Utilities 1 – Construction and Utilities Information Report – October 2019
CD5.14	Carlisle Southern Link Road Combined Statement of Reasons
CD5.15	Carlisle City Council Letter of Support - September 2018
CD5.16	Cumbria Chamber of Commerce Letter of Support - August 2018
CD5.17	Environment Agency Letter of Support - August 2018
CD5.18	Highways England (HE) Letter of Support - September 2018
CD5.19	Kingmoor Park Enterprise Zone Letter of Support
CD5.20	Network Rail Letter of Support - August 2018
CD5.21	Pirelli Letter of Support - August 2018
CD5.22	Transport for the North Letter of Support - August 2018
CD5.23	HIF Outline Business Case Funding Application - September 2018
CD5.24	New Layout Plan from the website (CSLR Route HIF Infrastructure - June 2020
CD5.25	Cabinet Resolution to Enter the Grant Determination Agreement – July 2020
CD5.26	Strategic Housing Market Assessment Up-date (September 2014)
CD5.27	Strategic Housing Market Assessment Up-date (July 2019)
CD5.28	A Plan of the CSLR route
CD5.29	Carlisle Model Specification Report
CD5.30	Carlisle Traffic Data Collection Report
CD5.31	Carlisle Local Model Validation Report
CD5.32	CSLR Traffic Forecasting Report
CD5.32.1	CSLR Traffic Forecasting Report – Appendix A

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CD5.32.2.1	CSLR Traffic Forecasting Report - Appendix B part 1
CD5.32.2.2	CSLR Traffic Forecasting Report - Appendix B Part 2
CD5.32.3.1	CSLR Traffic Forecasting Report – Appendix C Part 1
CD5.32.3.2	CSLR Traffic Forecasting Report – Appendix C Part 2
CD5.32.3.3	CSLR Traffic Forecasting Report – Appendix C Part 3
CD5.32.4.1	CSLR Traffic Forecasting Report – Appendix D Part 1
CD5.32.4.2	CSLR Traffic Forecasting Report – Appendix D Part 2
CD5.32.4.3	CSLR Traffic Forecasting Report – Appendix D Part 3
CD5.32.4.4	CSLR Traffic Forecasting Report – Appendix D Part 4
CD5.32.5.1	CSLR Traffic Forecasting Report – Appendix E Part 1
CD5.32.5.2	CSLR Traffic Forecasting Report – Appendix E Part 2
CD5.32.5.3	CSLR Traffic Forecasting Report – Appendix E Part 3
CD5.32.5.4	CSLR Traffic Forecasting Report – Appendix E Part 4
CD5.33	CSLR Compulsory Purchase Order 2020
CD5.34	CSLR Side Roads Order 2020
CD5.35	CSLR Statement of Case
CD5.36.1	British Standard BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Part One
CD5.36.2	British Standard BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Part Two
CD5.37	Health Considerations Summary Report, October 2019
CD5.38	DMRB Stage 3 Environmental Impact Assessment Environmental Scoping Report, CSLR-CAP-EGN-00-RP-V-0007 P03/S4 29/11/2018
CD5.39	General arrangement Plan sheet 2A of 6
CD5.40	General arrangement Plan sheet 2B of 6
CD5.41	Cumbria County Council Scoping Opinion 14 January 2019 DEVELOPMENT CONTROL AND REGULATION COMMITTEE 9 October 2020. A report by the Executive Director for Economy and Infrastructure
CD5.42.1	PPG Noise
CD5.42.2	PPG Noise Exposure
CD5.43	Environmental Report Non-Technical Summary – June 2018

REF	NAME OF DOCUMENT
CD5.44	CSLR Consultation Feedback Summary – June 2018
CD5.45	CSLR Preferred Route Decision – June 2018
CD5.46	CSLR New Roads and Streetworks Act 1991 Utility Diversions Report July 2019
CD5.46.1	CSLR Mitigation Plan sheet 1
CD5.46.2	CSLR Mitigation Plan sheet 2
CD5.46.3	CSLR Mitigation Plan sheet 3
CD5.47	CSLR Consultation feedback – September 2019
CD5.48	DMRB Stage 2 Engineering Assessment Report – July 2018
CD5.49	DMRB Stage 3 EIA Environmental Scoping Report – November 2018
CD5.50.1	CPO Plan 1 of 6
CD5.50.2	CPO Plan 2 of 6
CD5.50.3	CPO Plan 3 of 6
CD5.50.4	CPO Plan 4 of 6
CD5.50.5	CPO Plan 5 of 6
CD5.50.6	CPO Plan 6 of 6
CD5.50.7	Keyplan for CPO plans 1-6
CD5.51	CSLR Context Plan – May 2021
CD5.52	Highway Departures and Relaxations Report – October 2019
CD5.53	Junction Strategy Technical Note – November 2017
CD5.54	Five Year Housing Land Supply Position Statement – April 2020
CD5.55	Housing Market Demand and Capacity Assessment – October 2018
CD5.56	Development Control & Regulation Committee Report – October 2020
CD5.57	Drainage Impact Assessment – October 2019
CD5.58	DMRB Stage 3 Volume 1 Environmental Statement – September 2019 Vol 2 Zone of Theoretical Visibility Bare Earth Proposed Route
CD5.59.1	SRO Key Plan
CD5.59.2	SRO Plan Sheet 1 of 6
CD5.59.3	SRO Plan Sheet 2 of 6
CD5.59.4	SRO Plan Sheet 3 of 6

REF	NAME OF DOCUMENT
CD5.59.5	SRO Plan Sheet 4 of 6
CD5.59.6	SRO Plan Sheet 5 of 6
CD5.59.7	SRO Plan Sheet 6 of 6
CD5.59.8	SRO Plan Folio

APPENDIX C Proofs of Evidence

Cumbria County Council	
P/Gloss/1	Relevant to all Proofs and Summaries
CCC/1/1	Summary Proof of Evidence of Nicola Parker – Design Overview
CCC/1/2	Proof of Evidence of Nicola Parker – Design Overview
CCC/1/3	Appendices to the Proof of Evidence of Nicola Parker – Design Overview
CCC/2/1	Summary Proof of Evidence of Paul Landreth – Traffic Modelling
CCC/2/2	Proof of Evidence of Paul Landreth – Traffic Modelling
CCC/2/3	Appendices to the Proof of Evidence of Paul Landreth – Traffic Modelling
CCC/3/1	Summary Proof of Evidence of Graeme Innes - Planning
CCC/3/2	Proof of Evidence of Graeme Innes - Planning
CCC/4/1	Summary Proof of Evidence of Geoff Holden – Utility Diversions – Land Use & Construction Related Matters
CCC/4/2	Proof of Evidence of Geoff Holden – Utility Diversions – Land Use & Construction Related Matters
CCC/4/3	Appendices Proof of Evidence of Geoff Holden – Utility Diversions – Land Use & Construction Related Matters
CCC/5/1	Summary Proof of Evidence of Sue Kaner - Environment
CCC/5/2	Proof of Evidence of Sue Kaner - Environment
CCC/5/3	Appendices to Proof of Evidence of Sue Kaner - Environment
CCC/6/1	Summary Proof of Evidence of Matt Messenger – Land Acquisitions
CCC/6/2	Proof of Evidence of Matt Messenger – Land Acquisitions
CCC/6/3	Appendices to the Proof of Evidence of Matt Messenger – Land Acquisitions
CCC/7/1	Summary Proof of Evidence of Alison Hatcher – Scheme Overview
CCC/7/2	Proof of Evidence of Alison Hatcher – Scheme Overview

APPENDIX D Inquiry Documents List

REF	Name of Document	Submitted (during Inquiry only)
INQ001	Agenda for PIM	
INQ002	PIM Notes & Directions	
INQ003	Guidance for Remote Inquiries	
INQ004	Transport Privacy Notice	
INQ005	Site Visit information - Narrative to Stop Off Locations	
INQ006	Site Visit Information - Stop Off Overview Map	
INQ007	Opening Statement from Cumbria County Council	15 June 2021
INQ008	Design Witness Statement Summary	15 June 2021
INQ009	Flyover video number one	15 June 2021
INQ010	Flyover video number two - detailed	15 June 2021
INQ011	CSLR CPO overview slides in pdf form	16 June 2021
INQ012	Closing submissions on behalf of Cumbria County Council	16 June 2021
INQ013	Revised National Planning Policy Framework, which came into force on 20 July 2021	21 July 2021
INQ014	Response from Cumbria County Council to INQ013	4 August 2021

APPENDIX E Abbreviations

AA	Acquiring Authority
ASNW	Ancient semi-natural woodland
BMV	Best and Most Versatile (agricultural land)
CCC	Cumbria County Council
CNDR	Carlisle Northern Development Route
CPO	Compulsory Purchase Order
CSLR	Carlisle Southern Link Road
DoT	Department of Transport
DMP	Dust Management Plan
DPD	Development Plan Document
ES	Environmental Statement
GDA	Grant Determination Agreement
HA	Highways Act
HIF	Housing Infrastructure Fund
LCAs	Landscape Character Areas
MHCLG	Ministry of Housing, Communities and Local Government
M6J42	Junction 42 of the M6 motorway
NGN	Northern Gas Networks
NPPF	National Planning Policy Framework July 2021
NPS-NN	National Networks National Policy Statement
PMA	Private Means of Access
PRoW	Public Right of Way
SAC	Special Area of Conservation
SCGV	St Cuthbert's Garden Village
SIS	Site Invertebrate Significance
SOS	Secretary of State
SRO	Side Roads Order
SSSI	Site of Special Scientific Interest

End of Report