

**CUMBRIA COUNTY COUNCIL**

**THE HIGHWAYS ACT 1980 and  
THE ACQUISITION OF LAND ACT 1981**

**THE CUMBRIA COUNTY COUNCIL (A595 GRIZEBECK IMPROVEMENT)  
COMPULSORY PURCHASE ORDER 2022**

**and**

**THE CUMBRIA COUNTY COUNCIL (A595 (GRIZEBECK IMPROVEMENT)  
CLASSIFIED ROAD) (SIDE ROADS AND OTHER WORKS) ORDER 2022**

**COMBINED STATEMENT OF REASONS**

**October 2022**

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# 1. Introduction

## 1.1 The A595 Grizebeck Improvement Scheme

1.1.1 The A595 Grizebeck Improvement scheme (“**the Grizebeck Scheme**”) is a proposed new 1.4km section of the A595 with associated works between Chapels and Grizebeck on the A595 north of Barrow. The link is a key part of Cumbria County Council’s (“**the Council**”) plan to upgrade the A595 which is an essential strategic route within Cumbria and provides access to and from the Port of Workington, Sellafield and Barrow-in-Furness, as well as the A66, A689, M6 and the A69. The route provides the most direct link between Carlisle in the north and the key service centres of Cockermouth, Workington, Whitehaven to the west, and Barrow-in-Furness to the south of the county.

1.1.2 This Statement sets out the reasons and justification for making:

- a compulsory purchase order entitled “The Cumbria County Council (A595 Grizebeck Improvement) Compulsory Purchase Order 2022” (“**the CPO**”) and explains why the Council is seeking the powers to acquire land and new rights compulsorily should it be necessary to do so; and
- a side roads order entitled “The Cumbria County Council (A689 Grizebeck Improvement Classified Road) (Side Roads and Other Works) Order 2022” (“**the SRO**”) and explains why the Council is seeking to stop up various existing highways and existing private means of access, provide new private means of access and highways, and improve existing highways.

1.1.3 In this Statement the CPO and SRO are together referred to as “**the Orders**”.

1.1.4 This Statement has been prepared in support of the making of the Orders in accordance with 'Guidance on Compulsory purchase process and The Criche Down Rules' (originally published by the Department for Communities and Local Government (“DCLG”) in 2015, and most recently updated in 2019 by the Ministry for Housing, Communities and Local Government (“MHCLG”) now the Department for Levelling Up, Housing and Communities (“DLUHC”)) (“**the CPO Guidance**”).

1.1.5 The Council, in preparing and making the CPO, has had regard to the advice contained within two other documents, namely; the Department of Transport Circular 2/97 “Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State for Transport is the Confirming Authority” as well as the Highways Agency Memorandum TR138D (revised Dec. 2004): Preparation of Land Plans and Reference Schedules.

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

## 1.2 The Grizebeck Scheme

1.2.1 The A595 Grizebeck Improvement seeks to replace a substandard section of the A595 that would improve the strategic connectivity between the economic centres of south and west Cumbria. The scheme is aimed at removing bottlenecks, improving the standard and capacity, journey time reliability, wider network resilience and safety.

1.2.2 The geographic corridor for the route lies predominantly on agricultural land between Grizebeck and Chapels, east of the existing A595 route (approximate grid reference of

scheme centre point: SD 23620 84619). At the northern end, the route connects to the A595 east of Ellermire Bridge and west of the A595/A5092 junction. The proposed alignment then passes over Grize Beck watercourse and east of Dove Ford Farm before re-joining the A595 immediately south of Chapels.

- 1.2.3 The Grizebeck Scheme would provide a new route of approximately 1.4 km in length that bypasses a section of the A595 between Chapels and Grizebeck, thereby avoiding pinch points, for example at Dove Ford Farm, Grizebeck, which currently results in awkward manoeuvres and delays due to the carriageway width being restricted to little more than a single lane between two sets of buildings. The new route would also remove the main road traffic from the centre of Grizebeck village itself. Figure 1 below shows the general location of the Grizebeck Scheme within the wider area of Kirkby-in-Furness, and Figure 2 shows the precise location of the Grizebeck Scheme within the Grizebeck and Chapels area. Figure 3 then shows the planned Grizebeck Scheme with the new road alignment shown in blue relative to existing roads in the area.

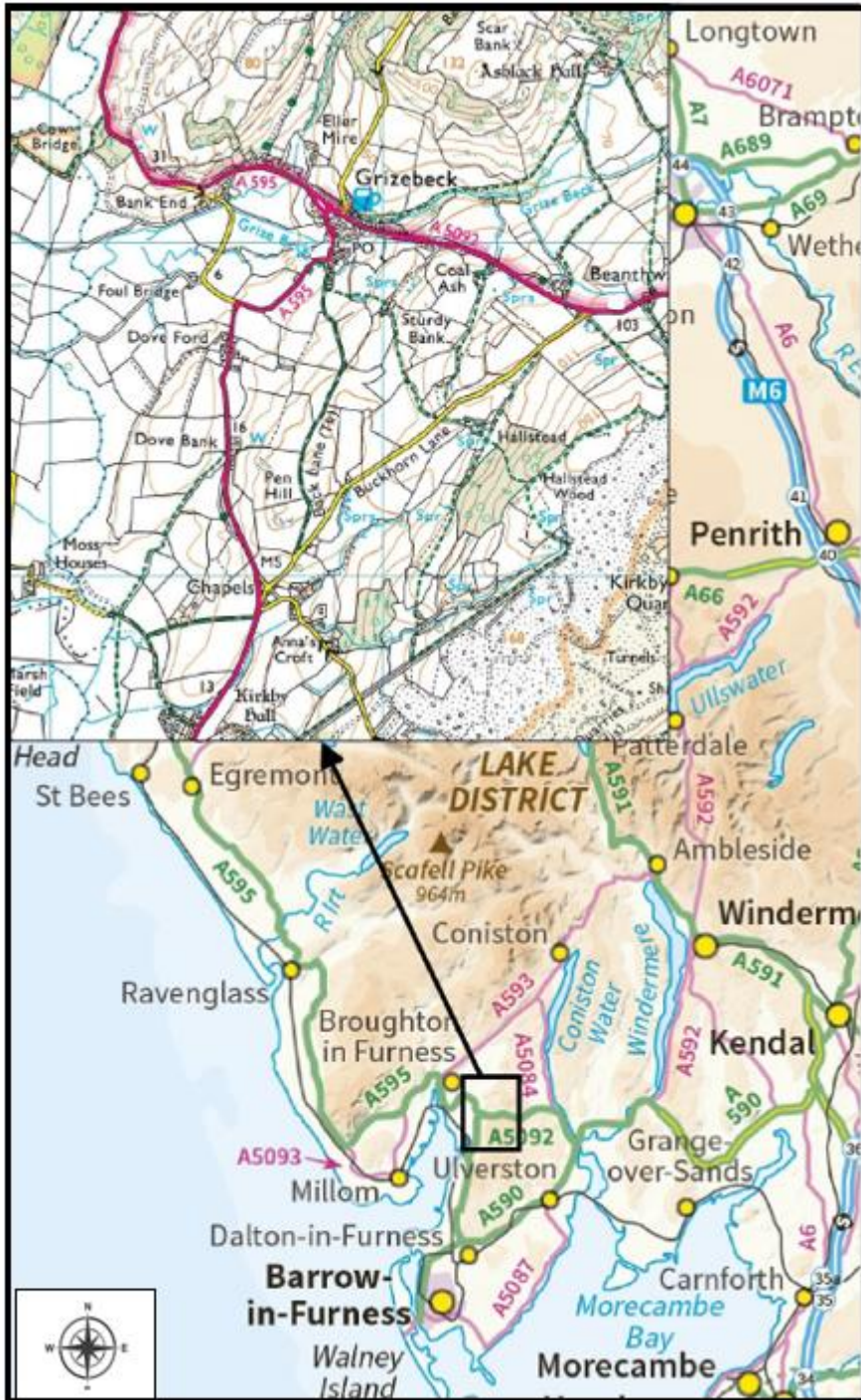


Figure 1: General Location Plan

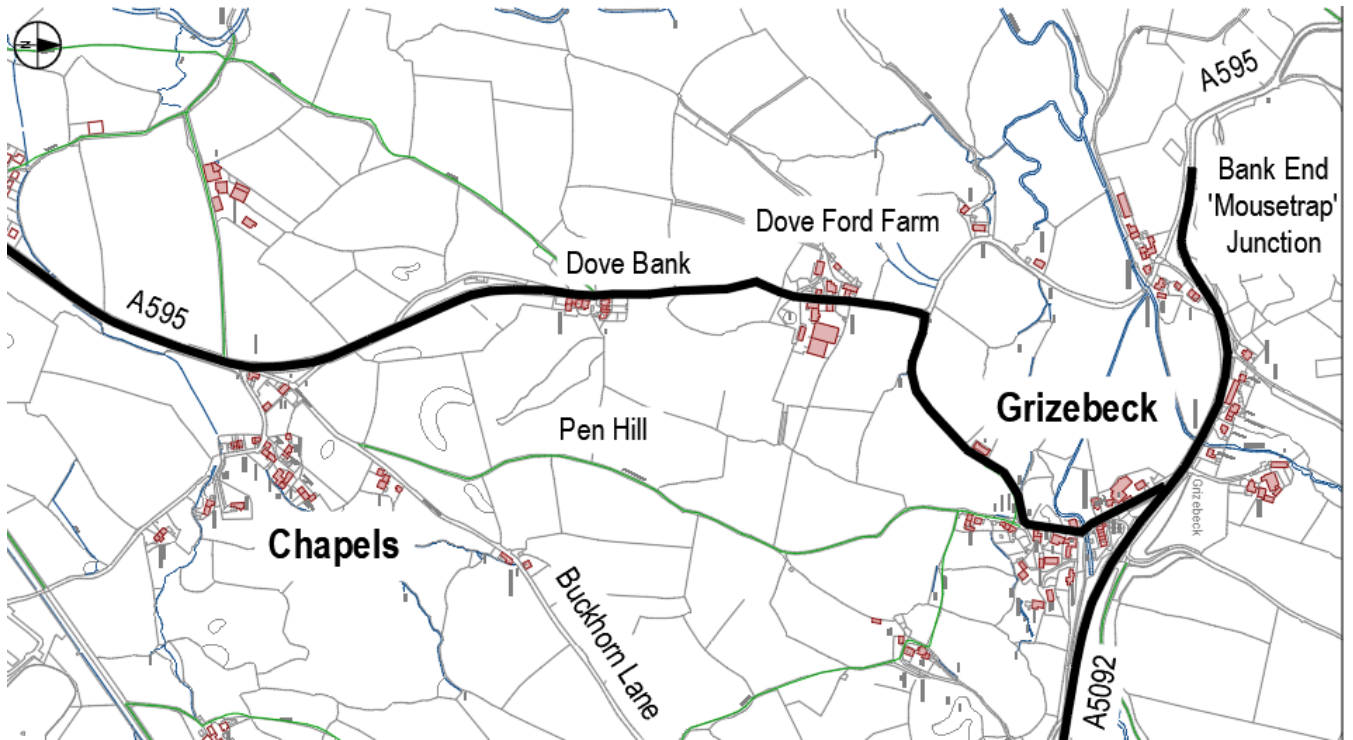


Figure 2: General Grizebeck/Chapels Location Plan

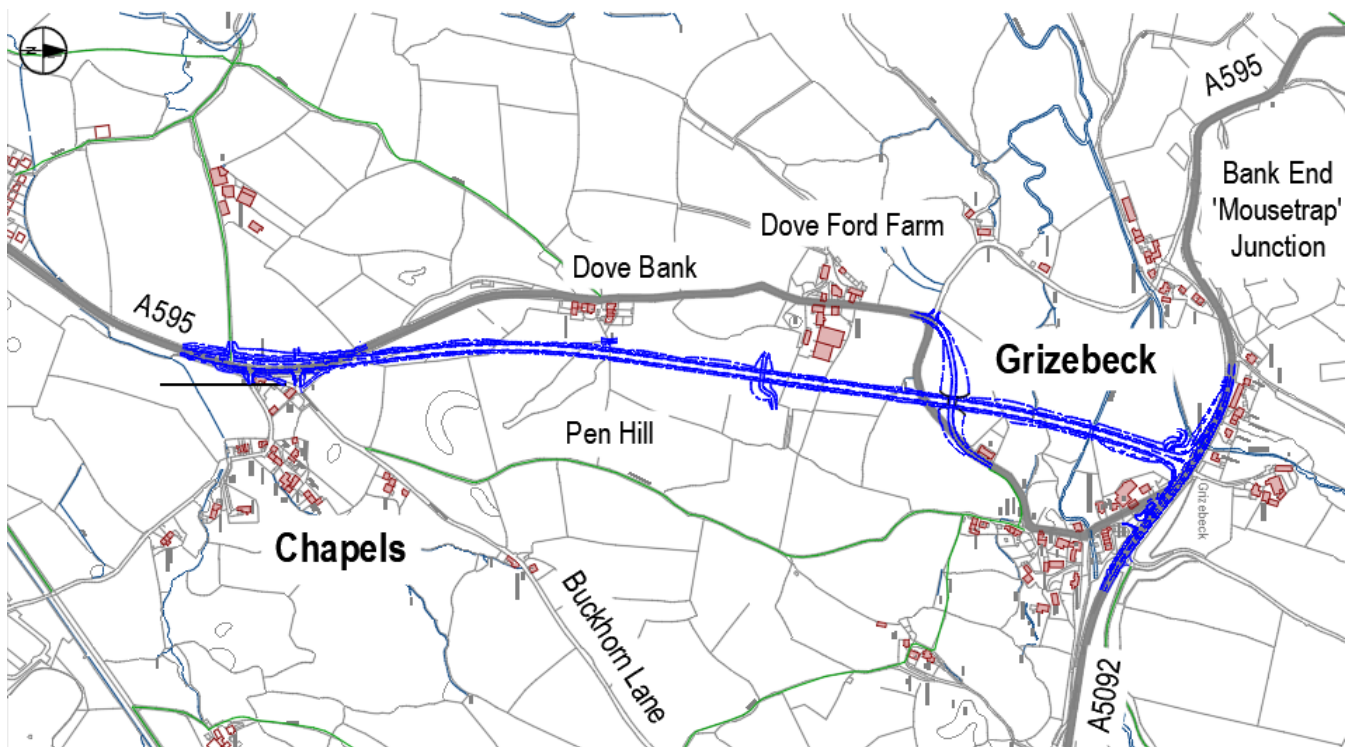


Figure 3: Extent of Proposed Grizebeck Improvement Works

1.2.4 The new route would be a standard single carriageway road, with provision of right turning facilities for vehicles at the southern end at Chapels, facilitating and maintaining local access into the village and Buckhorn Lane. Improvements and additions to facilities for pedestrians and cyclists would be provided within and adjacent to Chapels including a new shared path linking the village with the 'old' section of the A595 towards Dove Ford which would become partly a non-motorised route and partly an 'access only' road.



- 1.2.5 Additional crossing points of the A595 with refuge islands would be created at Chapels and the south-bound bus stop would also be moved to a new dedicated stopping place and provided with a footpath link to the village.
- 1.2.6 The section of the new road running from north of Chapels, parallel to the old road to a point approximately 200m north of Dove Bank would mostly be accommodated in a cutting through Pen Hill. This feature would take the new A595 east of the properties at Dove Bank with the level of the new road behind the properties set in a false cutting in order to reduce the visual and noise impacts on Dove Bank.
- 1.2.7 The new road continues due north when leaving the cutting to cross an unnamed watercourse and Grize Beck west of the village.
- 1.2.8 In order to link the 'old' section of the A595 and the road from Bank End to Grizebeck village a new road bridge over the new road is proposed. This new bridge would facilitate local access only with no direct connection to the new A595. The bridge concrete abutment walls would be faced with local stone.
- 1.2.9 A new A595/A5092 junction would be created west of the existing A595 Grizebeck junction. Features of the new junction arrangement would include a right-turn lane added to the A595 for traffic to Barrow-in-Furness, the widening of a section of the existing road to facilitate safer property access, traffic islands to restrict unsafe overtaking and the widening of Ellermire Bridge.
- 1.2.10 To accommodate these improvements, the footprint of the A595/A5092 running west to east would be increased with the additional land-take being to the south of the existing alignment.
- 1.2.11 Direct vehicular access to Grizebeck village from the A595/A5092 would be retained using the existing junctions with the westernmost one being for entry only to the village and the easternmost one being to exit Grizebeck only. A new non-signalised pedestrian crossing would be provided with a refuge island across the A5092.
- 1.2.12 Within Grizebeck, the bus stop would be provided with a dedicated lay-by adjacent to the existing shelter.
- 1.2.13 The scheme includes several structural elements which are shown in Figure 4 below. They include:
- Farm Underpass – east of Dove Ford, this would consist of a precast reinforced concrete box unit tunnel, with precast reinforced concrete wing and headwall units faced in stone.
  - Grize Beck Culvert – to be formed from precast reinforced concrete box units, with precast reinforced concrete wing wall and headwall units faced in stone.
  - Unnamed Culvert – to be formed from precast reinforced concrete box units, with precast reinforced concrete wing wall/headwall units faced in stone.
  - Ellermire Bridge extension – to be precast reinforced concrete portal units, with precast reinforced concrete parapet/headwall unit faced in stone.

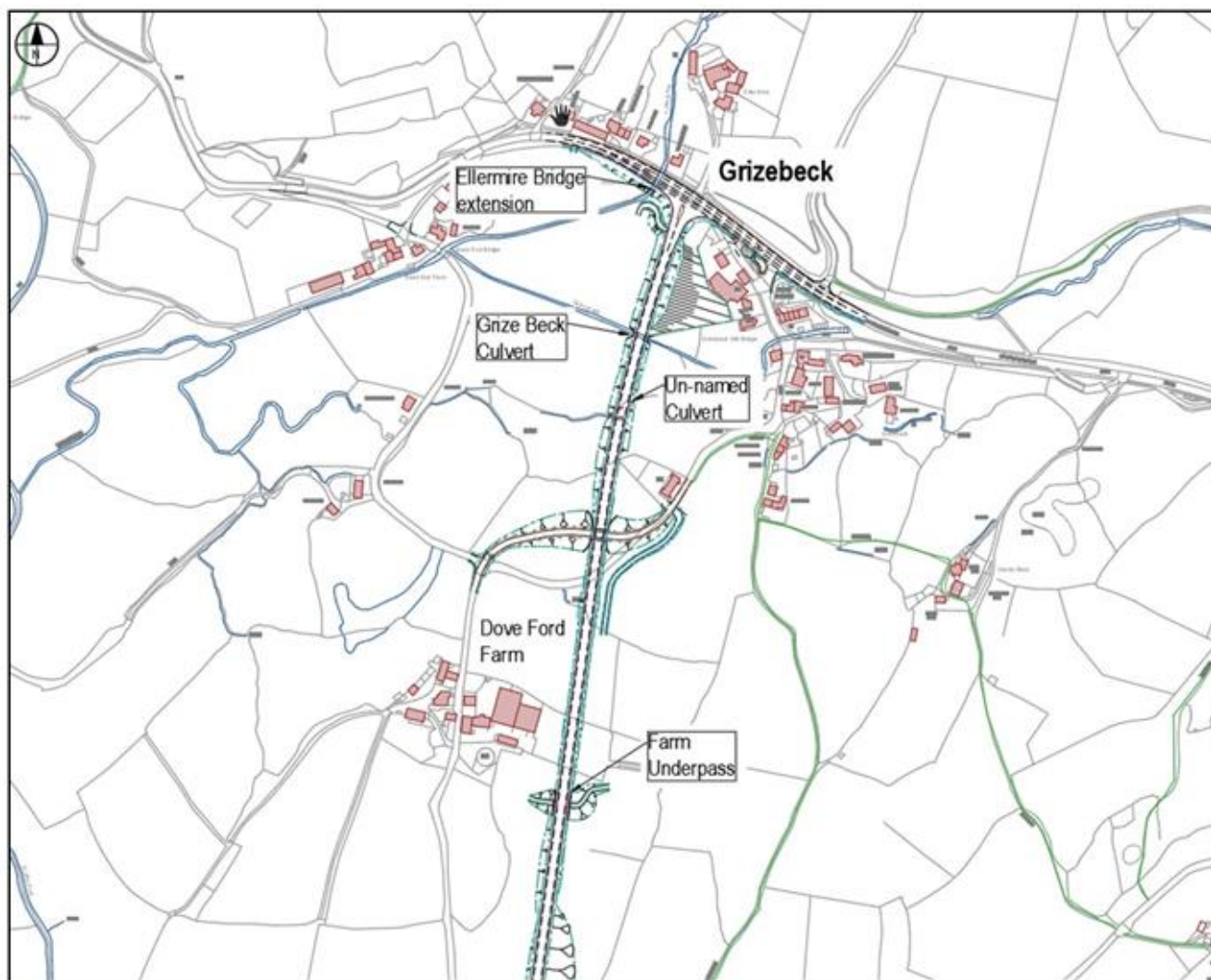


Figure 4: Structural elements included in the scheme

- 1.2.14 The scheme also includes four surface water attenuation basins as part of the drainage design and strategy, with one of these basins adjacent to the Grizebeck Community Hall retaining a permanent water level of approximately 0.75 metres in non-flood conditions. The adjacent car park for the hall is to be raised to provide bunding to the east for the basin. The other basins are proposed to be located to the south-east of Chapels, on the west side of the A595 by the A5092 junction, and also on the south-west side of the proposed bridge, north of Dove Bank Farm.
- 1.2.15 The prevention of westbound traffic accessing the A595 via the 'Mousetrap' (Bank End) junction is proposed by a new feature restricting vehicular access. An associated vehicular turning head would be provided adjacent to Bank End Farm.
- 1.2.16 Included in the proposals are associated landscaping and habitat mitigation works along with provision of field access points and tracks to improve access and mitigate severance. During construction, site compounds and storage areas would also be required, the main ones being, firstly, close to the proposed new A595/A5092 junction, north of the A595/C5013 junction and the other immediately west of Chapels at the southern extent of the scheme.

- 1.2.17 The need case for the Grizebeck Scheme is focussed around three primary objectives, which are set out in detail in Section 2 below.
- 1.2.18 A full and more detailed description of the Grizebeck Scheme can be found in Section 7 of this Statement.

## 2. The Need for and Purpose of the Grizebeck Scheme

### 2.1 Introduction

2.1.1 A strategic business case for improvements to the road network was developed by the Council, Cumbria Local Enterprise Partnership (“CLEP”) and Highways England (now National Highways) that brought together all the interventions identified on the corridors in the *West of M6 Strategic Connectivity Study*<sup>1</sup> and selected the priorities. The Grizebeck Scheme was identified as a priority in the study, and an economic appraisal demonstrated that the package, as a whole, would provide significant public benefits and achieve value for money.

2.1.2 The need case for the Grizebeck Scheme is focussed around the following three primary objectives which the Scheme is designed to address:

- **Improve the Major and Strategic Road Network** - the Grizebeck Scheme would directly address the sub-standard section of highway between Grizebeck and Chapels which has poor visibility and alignment, leading to delays, accidents and inappropriate use of rural lanes as rat-runs. The A595 at Grizebeck is an important piece of highway infrastructure that serves a number of purposes: it provides strategic north-south connectivity between Furness and West Cumbria; it facilitates access to centralised local goods and services for a widely dispersed and rural population, and it serves as an Emergency Diversion Route (EDR) for the Strategic Road Network during periods of closure on the A590, between Dalton-in-Furness and Greenodd.
- **Support economic growth** - Cumbria has an ambitious vision to drive business growth, innovation and productivity. Parts of the county are remote from the country’s motorways and national/regional economic centres, yet some of Cumbria’s biggest employers such as BAE Systems at Barrow-in-Furness and Sellafield Ltd are based in the Furness Peninsula and West Cumbria. Improving and sustaining the competitiveness of these businesses and creating a suitable business environment for others to invest in is vital to Cumbria’s economic future. The Grizebeck Scheme will address key impediments to efficient business identified by BAE Systems and Sellafield Ltd by improving journey times and reliability to and from the major road arteries and within the more localised supply chain network for goods, whilst also improving connectivity for employees travelling to employment hubs.
- **Reduce the impact of the A595 on severance and improve connectivity in and around Grizebeck** - There will be a positive impact on severance within the centre of Grizebeck village as the bulk of motorised traffic, including heavy goods vehicles, are removed from the community hall area to the new A595/A5092 junction. This will provide a better local environment for residents, especially as the existing road through Grizebeck is typical for a rural village, with little provision in terms of footways and narrow roads creating an intimidating experience for pedestrians. The Grizebeck Scheme will also reduce the negative effects of severance from traffic at Dove Ford, Dove Bank and Bank End. Additionally, benefits will also arise as the surrounding area becomes better connected for non-motorised users as a result of the new and connecting infrastructure, whilst, at the same time, reducing motor traffic on some of the existing roads in the area.

2.1.3 The remainder of this Section explains the rationale behind the identification of these objectives and how the Grizebeck Scheme would address them.

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<sup>1</sup> West of M6 Strategic Connectivity Study, WSP/Parsons Brinkerhoff, August 2016

## 2.2 Need for the Grizebeck Scheme to Improve the Major and Strategic Road Network

- 2.2.1 The existing A595 and A5092 routes around Grizebeck are both part of the Major Road Network (“**MRN**”) of the county as defined by the Department for Transport (“**DfT**”). Figure 5 below shows all the MRN and Strategic Road Network (“**SRN**”) roads in the county. The A595 as a whole is an essential route within Cumbria connecting the south of the county to strategic locations such as Barrow-in-Furness shipyard, the Port of Workington, Sellafield and key population centres from Barrow, Whitehaven, Workington all the way to Carlisle in the north, as well as the A66, A689, M6 and the A69. In different sections the A595 forms part of both the SRN and MRN networks. The A5092 is wholly part of the MRN and links the A595 and A590 to the east of Grizebeck.
- 2.2.2 The MRN forms the middle tier of the country’s busiest and most economically important local authority ‘A’ roads, sitting between the national SRN and the rest of the local road network. These are particularly important in Cumbria which has a large geographic area and limited number of good quality major roads and where many areas of both strategic employment and population are relatively remote from major centres and the motorway network. The following section on supporting economic growth explains why the section of road is important in this context and why it is such a key driver for the Grizebeck Scheme.



Figure 5: Grizebeck Position in Major and Strategic Road Network in Cumbria (Source: DfT)

2.2.3 Figure 6 below shows the local context of the A595 and A5092 sections of MRN past Grizebeck and Chapels and its relationship to the A590 SRN serving Barrow-in-Furness.

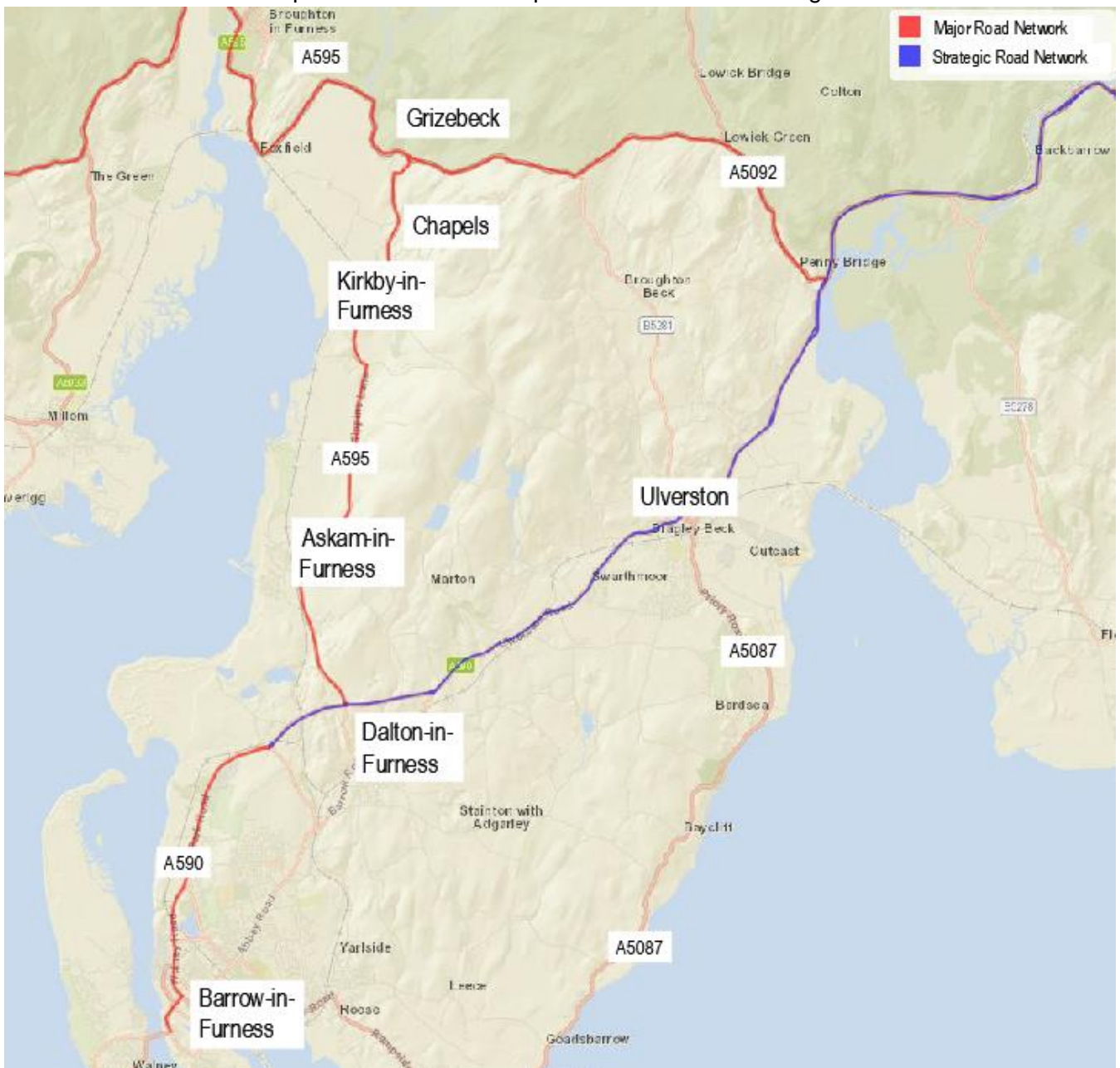
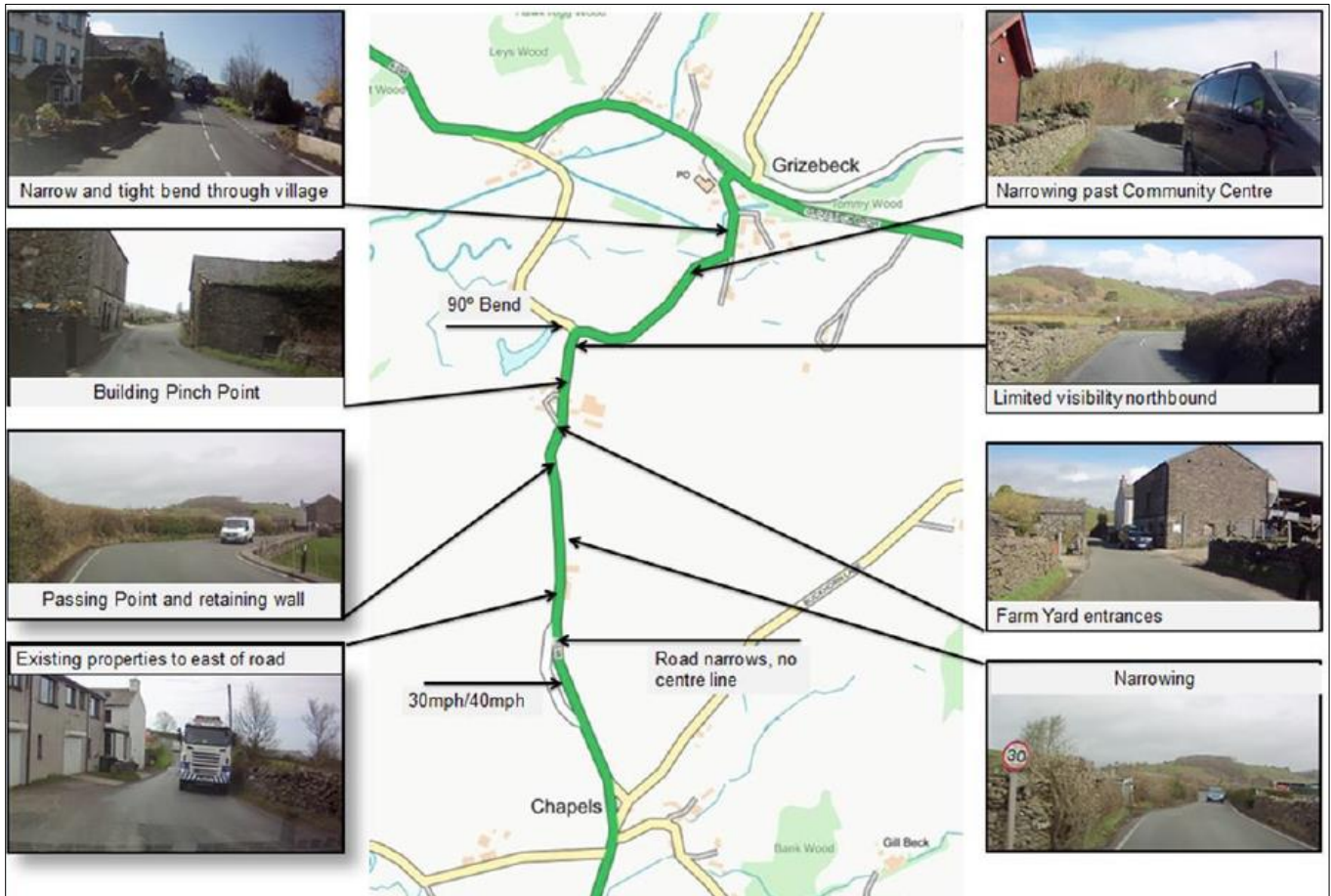


Figure 6: A595/A5092 MRNs Past Chapels and Grizebeck (Source: DfT)

2.2.4 The A595 between Chapels and Grizebeck is the subject of the proposed improvements, and it currently suffers from a number of physical constraints that affect its performance as part of the MRN. These include the narrowness, multiple bends and the general standard of the road and this conflicts with other activities within Grizebeck village, a sharp turn approximately 100m north of Dove Ford and restrictions caused by the road narrowing to effectively a single lane as it passes through the two groups of buildings of Dove Ford Farm. Figure 7 below shows some of the key physical constraints of the current road width and alignment at various locations, all of which are proposed to be bypassed by the new section.



*Figure 7: Physical Constraints of Current A595 Alignment*

- 2.2.5 The A595 is also used as the Emergency Diversion Route (“**EDR**”) when the A590 is closed between Dalton-in-Furness and Greenodd. When in operation, the EDR must bear the brunt of strategic traffic during the closure. This causes significant delays and congestion, particularly at pinch-points like Grizebeck. Sections of substandard road and driver unfamiliarity with the diversion also increase the risk of accidents and collision damage.
- 2.2.6 Due to the nature of the highway at Grizebeck, the EDR at this section is considered unsuitable for heavy goods vehicles. When the EDR is in operation, heavy goods vehicles are typically held or turned round rather than be permitted to use the route; this causes significant delays for road freight. This procedure was instigated following incidents when the A590 large vehicle traffic has been diverted along the route resulted in it becoming completely blocked at the Grizebeck pinch points.
- 2.2.7 The need for a resilient network and a reliable EDR in this location is required to cope with all types of major incidents, such as weather, and road traffic. Records from National Highways indicate a total of 48 full road closures on the A590 trunk road between 2016 and 2018. Of these closures, 21 took place between Barrow-in-Furness and Greenodd and required the A595 EDR to be deployed.



- 2.2.8 Traffic surveys were carried out to capture traffic volumes entering and leaving Grizebeck, commissioned by the Council and undertaken by Northern Link Transport Data Consultancy, during June 2018. This found PM peak trips are slightly higher than AM ones, which is likely to be indicative of tidal flows associated with work shift patterns at Sellafield, approximately 3,300 vehicles per day (7am-7pm) were recorded, in both directions, as using the A595 at Dove Farm, where the road constricts to a single lane, with restricted passing opportunities, and during the 12 hour survey period, approximately 75% of all A595 traffic travelling north-south and vice-versa, use the short-cut known locally as the 'Mousetrap', to avoid the current A595/A5092 junction and Grizebeck village centre; not including the off-peak, this equates to 2,325 vehicles using this narrow, rural lane on a single day.
- 2.2.9 Travel to work patterns and modes of travel are able to be accurately determined from the Office for National Statistics 10-year national census. This found that in 2011, 664 people used motorised transport to commute daily from Barrow-in-Furness to jobs in either the local authority districts of Allerdale or Copeland all of which are very likely to have used the A595 past Chapels and through Grizebeck village as the shortest route to these districts. A large proportion of these will be working at the Sellafield nuclear facility with Copeland having the largest component of these commutes (73%). There were 512 people coming in the opposite direction, with the majority coming from Copeland. There will also be a larger number and proportion of commuters coming from the South Lakeland District, however, the travel routes they take is not able to be determined as the district borders Barrow-in-Furness across the whole of its boundary. However, the limited road travel options mean that a high proportion of those travelling by motorised road transport will be using either the A595/A5092 or A590. The 2011 commuting totals are inflows to Barrow of 4,426 and outflows of 3,715.
- 2.2.10 Accident data in the vicinity of the site has been obtained from the CrashMap database for the most recent available five-year period (2016 – 2020). The accident data was obtained for the A595 between the junction with the A5092 junction and ending at the section prior to the Buckhorn Lane junction. There has been a total of eight accidents recorded within the immediate area of the Grizebeck Scheme, three of which have been classified as serious in nature. One of the serious accidents was on the A595 south of Dove Fold Farm, another at the A595/A5092 junction in Grizebeck with the third a short distance to the east. Figure 8 below shows the location and severity of accidents during this period including those either side of the proposed improvements.

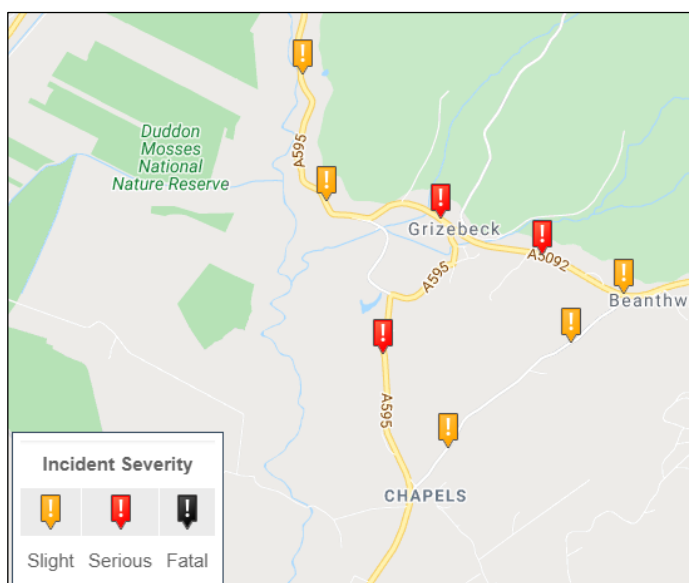


Figure 8: Location and Seriousness of Accidents, 2016-2020

- 2.2.11 Modelling of the existing two junctions (the A595/A5092 and A595/Mousetrap) has shown that they are currently operating within capacity and would do so in the future taking account of all future growth assumptions. However, the Mousetrap junction design and turning arrangements are sub-standard. The visibility at this junction is poor and is also close to a sharp bend on the A595 with traffic consequently being required to slow down as vehicles round the bend to use the junction. Users turning right - exiting the junction, and those entering the junction - turning left face particular problems. The right turn manoeuvre often requires vehicles to use part of the opposite lane of the A595 to complete the turn and the left turn is so sharp that vehicles often have to perform a reverse to complete it.
- 2.2.12 The junction modelling showed that the proposed new junction alignment will work within capacity in both the opening year, and in the design year after 15 years, with additional capacity to accommodate growth and development within the surrounding area. The new road layout would eliminate the sharp bend and narrow carriageway at the Mousetrap junction and would make journeys safer and journey times more reliable.

### **2.3 Need for the Grizebeck Scheme to support economic growth**

- 2.3.1 Businesses and the associated employment opportunities in the advanced manufacturing, renewable and nuclear energy sectors between Furness and West Cumbria are a key element in Cumbria's economic future, as is delivering convenient access and growing the highly-skilled and versatile workforce, to make it happen. An efficient road network provides the journey time reliability and just-in-time assurances to sustain key businesses and encourage them and new businesses to invest in the area. Some of the businesses in these areas and sectors are of national importance such as BAE Systems and Sellafield Ltd.
- 2.3.2 Both these major companies have provided explicit support to the Grizebeck Scheme and extracts from their written submissions are reproduced in Table 4 following Section 9.8.1. Sellafield Ltd states that a '*significant number of Sellafield Ltd's employees, contractors and supply chain partners regularly travel to the Sellafield site and our other off-site premises in West Cumbria along the southern route of the A595*' and recognise the '*safety, connectivity and journey time reliability*' the improvements would bring to their business. Similarly, BAE Systems commented that '*Given the scale of our operation we must draw upon a major supply chain and workforce. As part of this, there exists significant links between our site and businesses and workers in west Cumbria. Despite these links; we consider the pinch point on the A595 at Grizebeck to be a major barrier; wholly inappropriate to HGV movements and the ability of workers to reliably travel to our site.*' In addition, Associated British Ports who operate Barrow Port also highlighted '*the A595 at Grizebeck to be a major pinch point with this section wholly inappropriate for HGV movements and a barrier to our interaction with business in west Cumbria.*'
- 2.3.3 HGVs have a number of issues with negotiating the existing route such as the 'pinch points' at Dove Bank and Dove Ford plus the awkward route through Grizebeck village, which are inappropriate on a major road and lead to delays and safety issues for all vehicle users and non-motorised users.
- 2.3.4 Supply chains in modern business are often complex and rely on just-in-time delivery schedules. The isolated nature of the business/manufacturing hubs in Furness and West Cumbria and lack of alternative modes make road communications vital to these relationships in terms of the local supply chain linkages within Cumbria and those from further afield. The existing length of the A595 between Chapels and Grizebeck adds uncertainty to journey times, leading to inefficiency and a consequent increase in unnecessary costs.

- 2.3.5 Cumbria's Local Industrial Strategy identifies that if the Government's population projections materialise, there will be a very significant fall in the available workforce over the next decade, with at least a 20,000 shortfall in people available to meet Cumbria's existing job requirements. Consequently, this has been identified as one of the greatest challenges facing Cumbria, given that the labour market is already very tight. As identified in Section 2.2.9 there are significant workforce flows between Furness and the West Coast (particularly in Copeland where Sellafield is based) and those travelling by road (which is the majority) will almost certainly use the A595 between Chapels and Grizebeck. They will experience the same delays and safety issues as the commercial transport users. However, given their generally smaller vehicles, they are also likely to make use of the 'Mousetrap' junction at Bank End (a 'rat run' feature of the A595 at Grizebeck), affecting local residents' amenity and creating additional safety concerns.
- 2.3.6 In order to provide context to the need and to provide support particularly to the key employers and businesses it is worth noting that Cumbria's £12 billion economy has distinct features with a particularly high share of its economic output from the manufacturing sector and relatively low shares from businesses in service industries when compared to the UK averages. Data from 2017<sup>(2)</sup> showed that in Cumbria, manufacturing businesses accounted for 25% of the county's Gross Value Added (a measure of the contribution to the economy) which was 2.5 times higher than the UK average, with employment in the sector almost twice the national average. Conversely, businesses in sectors generally less reliant on road transport such as 'information and communications' and 'finance and insurance' added only small shares of Gross Value Added to the Cumbrian economy at 1.5% and 2.2% respectively – this is approximately a quarter of the UK average. Proportionally, these two sectors provided slightly more of a contribution in terms of employment in Cumbria but both employed below a third of what would be expected from the UK average.
- 2.3.7 Poor transport infrastructure, in terms of standard, capacity, resilience and connectivity are brakes to Cumbria fully realising its export and inward investment opportunities, and to fostering global connections.
- 2.3.8 There are nationally important businesses in the area, principally focussed around the major nuclear assets at Sellafield and BAE Systems in Barrow-in-Furness – the centre of the UK's nuclear submarine building and home of the largest shipyard in the UK. Cumbria has an ambitious vision to drive business growth, innovation and productivity over the next decade, building on the success and growth potential of key sectors.
- 2.3.9 Employment and investment in research and development are high in these key sectors; Sellafield and BAE Systems are both at the centre of business clusters, supporting a wide number and range of advanced manufacturing companies.
- 2.3.10 The contribution they make to the local economy in Cumbria is significant, Sellafield Ltd alone spends over £2 billion per annum and employs approximately 11,000 people directly (2017). The company, currently focussed on the safe storage and reprocessing of nuclear waste, is building £8 billion of new waste management facilities and manufacturing tens of thousands of waste containers, activity which involves cutting-edge technology that delivers for the UK market but also can be exported to the growing global decommissioning market.
- 2.3.11 Including direct, indirect and induced employment, Sellafield's activity is estimated to support 24,110 jobs in Cumbria, dominating employment in Copeland by supporting 21,090 jobs which

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<sup>2</sup> Cumbria Local Industrial Strategy: Evidence Base, Cumbria Intelligence Observatory and Nicol Economics, v9.1 - CLEP September 2019

is equivalent to 58.7% of all employment in the district <sup>(3)</sup>.

- 2.3.12 BAE Systems in Barrow is leading the development of the UK submarine programme and is also a significant player in the local economy. The Barrow site is BAE's single largest site, directly employing 7,840 workers at its submarine building facility in 2020 and supports a further 1,380 in their Cumbrian supply chain<sup>(4)</sup> which is concentrated in Barrow-in-Furness and Copeland districts. The site has a long-term future and is delivering two major manufacturing programmes - construction of the Royal Navy's Astute-class attack submarines and the new Dreadnought-class ballistic missile submarine, part of the UK's nuclear deterrent. Expected to enter service in the early 2030's, the Ministry of Defence awarded BAE Systems a £85 million contract to support early design and concept work for the Dreadnought-class submarines in 2021, part of the overall £40 billion delivery cost of the programme.
- 2.3.13 Other key drivers of the Cumbrian economy include Cumbria's Energy Coast initiative which is already home to over 20% of the UK's windfarm generation capacity (including Walney II the largest operational offshore wind farm in the world built in the Irish Sea, about 15km west of Barrow-in-Furness) with a capacity of 700 megawatts, sufficient to power the equivalent of 590,000 homes.
- 2.3.14 The Port of Barrow is another key asset; owned and operated by Associated British Ports (ABP), it has played a critical role in supporting local production activities and supports around 800 jobs in Barrow. In recent decades it has evolved as a specialist centre for serving the offshore energy industry, growing in prominence as an important offshore wind operations and maintenance hub, as well as hosting BAE Systems' submarine production activities.
- 2.3.15 Alongside this role, the Port also handles around 110,000 tonnes of goods per year, comprising an array of different products including limestone, sand, aggregates, granite, wood pulp which all rely on efficient road connections for the inward/onward journeys.
- 2.3.16 Barrow town is the second largest settlement in Cumbria, home to a population of approximately 57,000 with Barrow-in-Furness district being the second largest in Cumbria (66,726 – 2020 ONS, Mid-Year Estimates); and the limited road transport links make access vulnerable to disruption given Barrow's geographic position. It is a priority for economic development which seeks to address the effects of high levels of multiple deprivation and gradually declining population (-3.9% 2010-20 – ONS Annual Population Estimates).
- 2.3.17 The economic importance of Cumbria is strongly recognised by Transport for the North ("TfN"). TfN is the sub-national transport body, a statutory body with a clear mandate to identify and plan the transport infrastructure required to support the transformational economic growth.
- 2.3.18 TfN established Strategic Development Corridors, focussing on areas of synergy that can support opportunities for employment, supply chain and housing growth through unlocking transport investment, thereby meeting the obligations of national and local industrial strategies. Connecting the Energy Coasts is one such Strategic Development Corridor linking the cluster of advanced manufacturing and energy generation facilities, located in Cumbria, Lancashire, the North East, Tees Valley, and North Yorkshire. It highlighted the need to better connect these coastal economic assets to national transport corridors running north-south, but also to improve synergies and linkage through better connections east-west.
- 2.3.19 Further detail on the national, regional and local planning policy background relevant to the Grizebeck Scheme is provided in Section 3.

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<sup>3</sup> The Economic Impact of Sellafeld, Oxford Economics, June 2017

<sup>4</sup> BAE Systems' Contribution to the UK Economy - An Independent Report, Oxford Economics, 2022

## 2.4 Need for the Grizebeck Scheme to reduce the impact of the A595 on severance, and improve connectivity in and around Grizebeck

- 2.4.1 The Grizebeck Scheme will have a number of positive impacts on reducing severance and improving connectivity throughout the scheme area. The Grizebeck Scheme will remove the bulk of motorised traffic, including heavy goods vehicles associated with the existing A595, from the centre of Grizebeck village. This will provide a better local environment for residents of the village of which there are estimated to be 94<sup>(5)</sup> as well as visitors and local businesses. This is especially important as the existing road through Grizebeck is typical for a rural village, with little provision in terms of footways. The narrow roads create an intimidating experience particularly for pedestrians where little protection and segregation is provided from heavy and large volumes of traffic. Severance effects are also experienced elsewhere in the locality, and the Grizebeck Scheme will reduce these in the small communities of Dove Ford and Dove Bank that currently straddle the section of existing A595 which is proposed to be bypassed. In addition, the Grizebeck Scheme would improve the amenity of the residents of Bank End and of properties along Buckhorn Lane which currently experience higher volumes of traffic by being located on two routes used as 'rat runs'. The closing of the 'Mousetrap' junction to motorised traffic and encouraging 'access only' along Buckhorn Lane are important features of the Grizebeck Scheme designed to improve the living and working environment of these communities. In total there are estimated to be 320<sup>(6)</sup> people living in the Census Output Area covering the scheme area and whilst also including areas to the north, these are sparsely populated, meaning most of the population number will be within the areas affected by the scheme.
- 2.4.2 Improving connectivity within and beyond the scheme area will also benefit residents, businesses and visitors. There is no formal provision for cyclists on the local highway network in proximity to the Grizebeck Scheme, adding to the sense of severance from the surrounding countryside for these users. The additional provision of segregated shared use paths linking to the existing road infrastructure, that will become much less trafficked due to the new road accommodating the vast majority of vehicle movements, will encourage greater use by cyclists as the real and perceived risks from motor vehicles reduce.
- 2.4.3 A similar effect is expected from the use by pedestrians of the proposed new footway infrastructure being provided as part of the Grizebeck Scheme; this will improve connectivity to the existing network of Public Rights of Way ("PRoW") in the area and to the existing footpaths on public highways. For example, there is an existing footpath on the western side of the A595 south of Chapels which, when connected to the Grizebeck Scheme will provide a footpath link from Chapels to the Burlington Church of England Primary and Nursery School in Kirkby-in-Furness and, via quieter roads and PRoWs, from Grizebeck as well.

## 2.5 Summary and Conclusion

- 2.5.1 The Grizebeck Scheme is required to address the needs underlying the three primary objectives, namely: to improve the Major Road Network, to support economic growth and to reduce the severance impacts of the A595, and improve connectivity in Grizebeck and the surrounding area.

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<sup>5</sup> Source: ACORN 2022 Copyright: © 1979-2022 CACI Limited.

<sup>6</sup> Source: Office for National Statistics, 2020 Mid-year Populations Estimate

## 3. Planning Policy Context

### 3.1 Introduction

- 3.1.1 This Section identifies the support for the Grizebeck Scheme in the relevant national, regional and local planning and transport policies. In terms of local policies, the road development site falls between two local planning authority district boundaries – South Lakeland District Council (which contains the majority of the site) and the Lake District National Park Authority. Therefore, both the planning authorities' policies are discussed in this section. In addition, given the importance of improvements to the A595 route to key employment centres outside the above two planning authorities' areas, extracts from the planning policies of Barrow-in-Furness Borough Council and Copeland Borough Council are also included in the analysis.
- 3.1.2 The key national and regional policy documents are the National Planning Policy Framework (“NPPF”) and Transport for the North’s (“TfN”) Strategic Transport Plan.
- 3.1.3 The key local planning documents are the:
- *South Lakeland District Council Local Plan (2010-25);*
  - *Lake District National Park Local Plan (2020-35);*
  - *Barrow Borough Local Plan (2016-31); and*
  - *Copeland Local Plan (2013-28).*
- 3.1.4 The key local transport documents are:
- *Moving Cumbria Forward: Cumbria Local Transport Plan (2011-2026); and*
  - *Cumbria Transport Infrastructure Plan (2022-37).*
- 3.1.5 The key local documents relating to the economy are:
- *Cumbria Infrastructure Plan (May 2016); and*
  - *Cumbria Local Industrial Strategy*
- 3.1.6 The policies identified in this Section reflect the need for the Grizebeck Scheme as identified in the previous Section.

### 3.2 National Planning Policy Framework

- 3.2.1 The NPPF, published by the Department of Communities and Local Government (now called Department for Levelling Up, Housing and Communities) in 2021, sets out the Government’s planning policies for England together with advice on how they should be applied. It provides a framework within which locally prepared plans for development can be produced and planning decisions made.
- 3.2.2 It makes it clear that the planning system has three overarching objectives which need to be pursued in mutually supportive ways in order to deliver sustainable development – these are economic, social and environmental objectives (Para. 8).
- 3.2.3 These three objectives are translated into detailed policy within the subsequent chapters and the most relevant paragraphs to this Statement are highlighted in the Table 1 below.

Table 1: NPPF Policy Review Summary

NPPF Chapter	Title	Policy and Comment
6	Building a strong, competitive economy	<p>Para. 81 encourages decisions that:</p> <p>“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation [<i>NPPF Footnote 42</i>], and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”</p> <p>Inadequate infrastructure can be a barrier to investment. The Grizebeck Scheme, in its role of addressing identified infrastructure weaknesses, will help remove such barriers in full support of this policy. The Grizebeck Scheme is also fully aligned with the CLEP’s priorities seeking to support and expand the high value/high employment industries of the Furness Peninsula and West Coast as described elsewhere in this Section.</p> <p>The NPPF Footnote 42 states:</p> <p>“(42) The government’s Industrial Strategy sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in 4 of these: artificial intelligence and big data; clean growth; future mobility; and catering for an ageing society. <a href="#"><i>HM Government (2017) Industrial Strategy: Building a Britain fit for the future.</i></a>”</p> <p>The Sellafield site is deemed critical to the UK’s future. The strategy states on page 206:</p> <p>“The nuclear sector is integral to increasing productivity and driving growth across the country. Nuclear is a vital part of our energy mix, providing low carbon power now and into the future. The safe and efficient decommissioning of our nuclear legacy is an area of world-leading expertise.”</p>
8	Promoting healthy and safe communities	<p>Enhancing public rights of way is encouraged by “<i>for example by adding links to existing rights of way networks</i>”. (Para. 100)</p> <p>The Grizebeck Scheme would create a number of opportunities, facilities and benefits for non-motorised users (“<b>NMU</b>”). These are designed to improve both safety and connectivity for people not using motorised transport. For example, the provision of new shared paths around Chapels including the conversion of part of the existing A595 to an ‘access only’ route which would link to the existing PRoW network. New crossing points are also proposed for the new A595 at Chapels and at Grizebeck across the A595/A5092 incorporating refuge areas in the centre of the road.</p>

NPPF Chapter	Title	Policy and Comment
9	Promoting sustainable transport	<p>Paragraph 104 states that:</p> <p><i>“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that...</i></p> <p><i>c) opportunities to promote walking, cycling and public transport use are identified and pursued;”.</i></p> <p>As discussed above the Grizebeck Scheme would provide additional opportunities for NMUs and link together some of the PRoW infrastructure. It would also remove and lessen traffic from existing sections of highway not least within Grizebeck village itself which is currently subject to all the traffic of the A595.</p> <p>Supporting public transport infrastructure is also being improved with a new lay-by and linked footpath at Chapels and a relocated bus shelter and new lay-by in Grizebeck village.</p>
9	Promoting sustainable transport	<p>Paragraph 110 of the chapter further requires that <i>“In assessing...specific applications for development, it should be ensured that...(a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location”.</i></p> <p>Further in the chapter (Para. 112) a hierarchy of users to be considered is provided which gives <i>“priority first to pedestrian and cycle movements...and second – so far as possible – to facilitating access to high quality public transport,...and appropriate facilities that encourage public transport use [and] address the needs of people with disabilities and reduced mobility in relation to all modes of transport [and]...which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character”.</i></p> <p>The provision of new NMU routes and public transport infrastructure as part of the Grizebeck Scheme is discussed in Section 1 above. The public transport provision mirrors the location of the existing bus stops but improves accessibility, safety and convenience of access for both users and operators i.e. within Grizebeck the stop is in the same location but is being provided with a new layby plus a footpath link to a A5092 pedestrian crossing point; at Chapels the southbound stop is being moved away from being adjacent to the A595/U5088 Chapels Row junction to a safer location further south and will be provided with a footpath link to the village. The NMU provision is not restricted to the immediate boundaries of the new road and has been designed to increase access and links to the existing network where possible. On lengths of road such as the existing A595 and C5013 where significant traffic reductions can be expected once the Grizebeck Scheme is complete, NMU access will be encouraged onto those roads – for example where there is ‘access only’ to motor vehicles along the part of the former A595 which is no longer proposed for vehicular traffic (other than for access). This will also be the case for the C5013 north of Dove Ford, via Bank End and to the A595 west of Grizebeck.</p>
12	Achieving well-designed	<p>Para. 130 emphasises the importance of <i>“effective landscaping”</i> and developments being <i>“sympathetic to local character and history, including the surrounding built environment and landscape setting”.</i></p>



NPPF Chapter	Title	Policy and Comment
	places	<p>The Grizebeck Scheme is in a sensitive location, being partly in and adjacent to, the Lake District National Park. Emphasis has been placed on preserving in-situ existing landscape features where possible such as drystone walls. Where this is not possible existing walls are to be rebuilt using natural stone to match the existing and also established hedgerows are to be translocated. Generally, the Grizebeck Scheme is provided with a landscaping scheme which seeks to minimise the impact of the highway improvements on the local landscape and to replicate existing features of the landscape. Landscaping is also being used as mitigation for potential negative effects such as car headlight glare and visual intrusion for some residents.</p>
14	Meeting the challenge of climate change, flooding and coastal change	<p>Policies in this Chapter require specifically that flood risk should not be increased elsewhere as a result of the development, it should not be located in the highest flood risk areas and that it should be resilient to flooding and incorporate sustainable drainage. (Paras. 154, 159 and 167)</p> <p>The Grizebeck Scheme incorporates a fully sustainable drainage system including the provision of four drainage attenuation basins to manage discharge from the new road surfaces. The majority of the Grizebeck Scheme is located in Flood Zone 1 and it includes provision to manage the small amount of additional water storage required to ensure that flooding is not increased elsewhere.</p>
15	Conserving and enhancing the natural environment	<p>Para. 174 seeks to protect and enhance “<i>valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)</i>”, as well as recognising the “<i>economic and other benefits of the best and most versatile agricultural land, and of trees and woodland</i>”, plus “<i>minimising impacts on and providing net gains for biodiversity</i>”.</p> <p>Para. 176 in the same chapter requires that “<i>Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks...which have the highest status of protection....The scale and extent of development...should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</i>”</p> <p>Further emphasis on the protection and enhancement of the environment is required in Para. 177 which promotes “<i>the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.</i>”</p> <p>The Grizebeck Scheme would help to conserve and enhance the natural environment in a number of ways. This would include the provision and preservation of wildlife corridors supporting the known wildlife surveyed and identified in the area. Included in this provision are new areas of land to be taken out of agricultural use and dedicated to supporting biodiversity and habitat enhancement. Appropriate landscaping is also included along with the creation of drainage basins which also have an amenity value.</p> <p>The proposed mitigation and enhancements have been calculated, using the Natural England Joint Publication (July 2021) Biodiversity Metric 3.0,</p>

NPPF Chapter	Title	Policy and Comment
		to result in a net gain in biodiversity in the area. The gains in different categories are, +2.43% biodiversity unit gain for habitats, +44.78% biodiversity unit gain for hedgerows and +1.11% biodiversity gain for rivers.
16	Conserving and enhancing the historic environment	<p>Para.189 recognises assets (such as the Lake District National Park) “of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”</p> <p>Para. 195 further requires that “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”</p> <p>The Grizebeck Scheme has had full regard in its design to the presence of a small part of it being within the boundary of the Lake District National Park and that the whole of the Scheme has the potential to affect the setting of the Park. Attention has been paid to restoring and enhancing where possible the traditional features of the landscape such as drystone walls and hedgerows. Designing landscaping to minimise the visual impact of views from and into the Park has also been a priority.</p> <p>There was found to be sufficient distance between the Scheme and the small number of listed buildings within the surrounding areas for it to be judged that the impact on their setting would be negligible.</p>

3.2.4 The table above demonstrates that the Grizebeck Scheme is compliant with and supported by the main policy drivers within the NPPF. It is a section of infrastructure the improvement of which will support the development of Cumbria’s economy by improving the MRN and links to the SRN, whilst being sustainable and providing positive outcomes for the environment of Grizebeck village.

### 3.3 Transport for the North

- 3.3.1 Transport for the North (TfN) is a Sub-national Transport Body with a statutory responsibility to advise UK Government on the transport priorities for the North of England.
- 3.3.2 TfN has produced a Strategic Transport Plan (2019) which identifies West Cumbria and the Furness Peninsula as key economic assets, within the context of the northern economy, that need to be supported with transport infrastructure (Page 47). The strategy set out in the report also highlights the Connecting the Energy Coasts initiative which seeks to improve links for east-west travel between the west coast of Cumbria and the North East coast. This is identified as the most significant transport constraint on growth within this part of the country (Page 129).
- 3.3.3 The Major Roads Report (2018), part of the Strategic Transport Plan’s evidence base,

specifically identifies the delivery of work on the A595 at Grizebeck as a priority MRN pipeline project (Page 73). The project is also identified in TfN's Investment Programme (2019) as a priority MRN project as supporting the Connecting the Energy Coasts corridor with a short summary stating it will provide a "New road link and other improvements to reduced width sections between Grizebeck and Chapels, including at Dove Ford Farm" (Page 10).

### **3.4 South Lakeland District Council Local Plan**

- 3.4.1 The Core Strategy (adopted 2010) sets out the vision for the district up to 2025. Whilst under review, the document currently remains the basis for assessing the principle of development proposals in the area and provides the context for more detailed policies.
- 3.4.2 The strategy vision for the Furness Peninsula includes the following outcomes (amongst others) that "*The economic base of ...Furness has been strengthened through:*
- *Recognising and supporting manufacturing as a strength of the area....*
  - *Priority has been given to improving the operation of transport routes that link Furness and West Cumbria to the M6...*"
- 3.4.3 In order to achieve the transport ambitions, the objective is translated within the spatial strategy policy 'CS3.1 - Ulverston and Furness area' which states that it will:
- "Support improvements to the operation of transport routes linking Furness to the M6 and national rail links" and "Improve footpaths and cycle routes".*
- 3.4.4 The above demonstrates that there is a clear policy objective to improve road links in the area which is reflected in other local plans that have identified the isolation from the motorway network and poor existing infrastructure as a key local issue for their economy and communities.

### **3.5 Lake District Local Plan**

- 3.5.1 The Lake District National Park Authority has an adopted local plan – '*Living Lakes: Your Local Plan*'. It was adopted on 19th May 2021. 'Policy 02: Spatial Strategy' is a wide-ranging policy which sets out criteria for development in different category areas. It supports 'necessary' infrastructure and development which is of '*a scale and nature appropriate to the character and function of the location*'. Within the National Park the Grizebeck Scheme contains no sections of new road but rather the existing road is being widened and improved and is in that respect consistent with the policy.

### **3.6 Barrow Borough Local Plan**

- 3.6.1 Adopted in 2019 and covering the plan period 2016 to 2031, the plan identifies a series of key cross-boundary issues that will influence the future of the borough. It states in paras 2.3.4 and 2.3.5:
- 3.6.2 "*The Local Plan takes account of strategic issues that overlap the Borough's boundaries...*
- *Inter-connections between Housing Market Areas and Travel to Work Areas.*
  - *Transport connections between Barrow and neighbouring towns and employment areas.*
  - *Connections to the M6 motorway, Furness Line and West Coast Main Line..."*
- 3.6.3 Within Section 5.5 of the plan - 'External Transport Links' greater detail is provided regarding these issues:
- 3.6.4 "*The A590 is important to the economic success of South Cumbria, providing Barrow and a*

*number of towns and villages along its length with a direct link to the M6 motorway. This trunk road between Barrow and the M6 is however isolated in parts with few suitable diversion routes and large parts of the route are single-carriageway. This means that traffic incidents and highways maintenance works can lead to significant delays for traffic.” (Para. 5.5.2)*

3.6.5 *“There are also concerns with the A595, which forms the key strategic link to the West coast of Cumbria. The route is single carriageway, particularly south of Sellafield, and is very poorly aligned in places. For significant stretches of the route there are no alternatives, and the poor journey time reliability could potentially hinder economic growth in Barrow. The route is also one of the most dangerous in Cumbria. There is a need to make the route safer whilst improving journey time reliability.” (Para. 5.5.3)*

3.6.6 Whilst outwith the planning authority’s boundary the vulnerability of the A590 to closure and the inadequacy of alternatives, plus the need to upgrade the A595 are fully recognised in the plan as being strategic threats to the area’s prosperity and development. The Grizebeck Scheme will directly address both of these issues.

### **3.7 Copeland Local Plan**

3.7.1 Adopted in 2013 the current local plan also identifies the need for increased connectivity as one of the policy objectives. In terms of encouraging improved links outside their authority’s boundary this is written into ‘Policy T1 – Improving Accessibility and Transport’ which states (in part):

3.7.2 *“Better connections will be sought outside the Borough to:*

- i) Key employment sites, service centres and transport hubs, including Lillyhall Business Park, employment zones in and the Port of Workington, Barrow in Furness and Carlisle*
- ii) Regional and national transport links including the A66, M6, A595, A5092, A590 and West Coast Main Line”*

3.7.3 The Grizebeck Scheme will directly support this part of the policy.

3.7.4 Copeland Borough Council is in the process of producing a new Local Plan which will replace the current Plan. It is at final publication draft stage with a public consultation being held on the document between January and March 2022. The emerging Copeland Local Plan 2021-2038 (Publication Draft) retains the authority’s recognition that transport systems, including improved road links, are vital to the economic future of the area particularly given its isolated rural location.

3.7.5 The publication draft contains a set of key objectives reflecting the Plan’s topic areas. Part of the ‘Connectivity’ objective seeks transport improvements and states an aspiration, carried forward from the current local plan, to *“Develop and maintain safe, efficient, high quality, modern and integrated transport networks with good internal links and connections to key routes, including the West Coast Main Line via both Carlisle and Barrow, and the M6 via both the A66 and A590.” (Page 18)* 3.7.6 Within the Connectivity chapter it identifies, amongst its key challenges that *“There are a number of ‘pinch points’ along the A595” (Para.17.1)*. A policy is provided to address the local challenges. Strategic Policy CO3PU: *Priorities for improving transport links to and from the borough* in part seeks to support *“Proposals that improve road safety and journey times to and from settlements within the borough and key regional and national networks, including the M6, A66, A590, A595 and A5093.”*

3.7.7 The Grizebeck Scheme will directly support this part of the policy.

### 3.8 Moving Cumbria Forward: Cumbria Transport Plan Strategy

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

3.8.2 The Cumbria Transport Plan vision is as follows:

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

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

3.8.3 The Grizebeck Scheme would help to achieve several of these priorities:

3.8.4 **"safe, strong and inclusive communities"** – the Grizebeck Scheme seeks to address the poor safety record of the existing A-roads close to Grizebeck and Chapels villages through a combination of the new road and implementation of reduced speed limit strategy in the general area. It will also encourage a stronger community within Grizebeck village by removing the severance caused by the high volumes of traffic currently passing through.

3.8.5 **"health and well-being throughout life"** – improving the pedestrian and cycling infrastructure as part of the Grizebeck Scheme will encourage greater use particularly as the improvements have been designed to link to the existing PRow network.

3.8.6 **"a sustainable and prosperous economy"** - as set out in Section 3.8.2 above, the Grizebeck Scheme will play a critical role in supporting the nationally important economic and nuclear infrastructure assets at BAE Systems and Sellafield as well as removing key constraints on the growth of the wider local economy.

3.8.7 **"effective connections between people and places"** - as set out in Section 3.8.2, the Grizebeck Scheme will provide much needed east to west connectivity supporting both existing employment and businesses and also maximising the potential for future economic growth.

### 3.9 Cumbria Transport Infrastructure Plan

3.9.1 The Council and the CLEP have developed the Cumbria Transport Infrastructure Plan. This sets the policy framework for the role of transport and connectivity in supporting sustainable and inclusive growth in Cumbria for the period 2022 to 2037.

3.9.2 The plan contains the policies to implement the strategy and a rolling programme of implementation plans showing where funding will be directed. The vision involves a *"transport system and highway network in Cumbria that is safe, reliable, available, accessible and affordable"*. It recognises that:

3.9.3 *"The Furness economy also depends on longer distance connections to West Cumbria, and the rest of the UK by road and railway. We will work with the Department for Transport and nuclear industry development bodies to secure journey time reliability improvements to the A590, A5094, and A595, and improvements to services along the Furness and Cumbria Coast rail lines"*.

3.9.4 One of the Key Proposals (2b) of the plan relating to roads seeks to *"Work to secure investment and subsequent delivery of improvements and maintenance to our road networks..."* which contains a number of bullet-pointed priorities including the *"A595 improvements at Grizebeck*

– a new link to improve existing single-lane bottlenecks and better link economic activity at Barrow-in-Furness and West Cumbria” (Page 78).

- 3.9.5 This is clear policy support for the Grizebeck Scheme and emphasises its place as a priority in the context of road schemes in Cumbria.

### **3.10 Cumbria Infrastructure Plan**

- 3.10.1 The Cumbria Infrastructure Plan was published by the CLEP in May 2016 and prioritises the infrastructure needed to facilitate economic growth and maximise opportunities from large scale projects over the next fifteen years.
- 3.10.2 The projects required to address current and future issues are highlighted in the plan; amongst them are a small number of short-term priorities with some of them classed as “critical”. Within these priorities are “A595 Corridor Enhancements” (Page 9). The issues identified with the A595 include low peak hour speeds and delays, safety concerns for HGV’s having to negotiate bends, hills and side road junctions.

### **3.11 Cumbria Local Industrial Strategy**

- 3.11.1 The Cumbria Local Industrial Strategy was published by the CLEP in 2019 and highlights that the county faces a number of transport challenges due to its location. It identifies that the need for transport improvements flow from a number of fundamental weaknesses including that key employment locations such as West Cumbria and Barrow are not well served by road which “makes them isolated, inaccessible and potentially very vulnerable to disruption and acts as a barrier for major inward investment”. The lack of resilience in the transport system is also highlighted as a key constraint.
- 3.11.2 The A595 is highlighted as a key transport link and as one of two major “congestion black spots” which require improvements to help the connectivity across the county, especially between the Lake District and the rest of Cumbria.

### **3.12 Summary and Conclusion**

- 3.12.1 The Grizebeck Scheme is closely aligned with the strategic objectives of all the Local Plans of local planning authorities and the transport and economic policies for the area. These policies have been developed in the light of the need case set out in Section 2 of this Statement and, as a result, reflect the need case.
- 3.12.2 At a county level the Grizebeck Scheme would also help to deliver a number of the priorities set out in the Cumbria Transport Plan Strategy and the weaknesses of the A595 corridor as an impediment to growth are recognised in both the Cumbria Infrastructure Plan and Cumbria Local Industrial Strategy. The specifics of the project are included in the Cumbria Transport Infrastructure Plan.
- 3.12.3 Regionally, the Grizebeck Scheme is prioritised with TfN’s Strategic Transport Plan.
- 3.12.4 In terms of national policy, as demonstrated above, the Grizebeck Scheme is fully compliant with the NPPF.
- 3.12.5 In conclusion, the Council considers that the Grizebeck Scheme is fully aligned with, supported by and compliant with local and national transport planning and development planning policy.

## 4. Planning Position

- 4.1.1 The determination of planning consent required for the Grizebeck Scheme was shared between two local planning authorities.
- 4.1.2 The red line boundary of the application site crosses the local planning authority boundaries of both South Lakeland District Council and the Lake District National Park Authority and therefore two identical applications were submitted to cover the whole of the site. As the Grizebeck Scheme is being promoted by the Council the application is being determined by them as local planning authority instead of South Lakeland District Council under Regulation 3 of The Town and Country Planning General Regulations 1992. An application for full planning permission for the development was recorded as registered for determination by the Council on 4<sup>th</sup> March 2022 (ref. 5/22/9001).
- 4.1.3 An application for full planning permission for the development was recorded as registered for determination by the Lake District National Park Authority on 9<sup>th</sup> March 2022 (ref. 7/2022/5124).
- 4.1.4 The applications have been informed by consultation with key statutory bodies and the public and were supported by an Environmental Statement and other required documents.
- 4.1.5 The first application was determined by the Council's Development Control and Regulation Committee on 29<sup>th</sup> September 2022 and was approved with conditions. The second application was determined by the Lake District National Park's Development Control Committee on 5<sup>th</sup> October 2022 and was also approved with conditions.
- 4.1.6 Following the grant of planning permission, discharge consents, ecological consents and waste management licences will be applied for during the detailed design stage of the Grizebeck Scheme. These are not considered to be impediments to the Grizebeck Scheme proceeding. As part of the planning process, there has already been extensive dialogue undertaken by the Council with all the statutory bodies affected. This dialogue has helped shape the preliminary design of the Grizebeck Scheme and has also provided an opportunity for the statutory bodies to influence matters and to ensure their own requirements will be met and included in the proposals from an early stage. For these reasons, the Council has a high level of confidence that there will be no potential impediments to the Orders being implemented, if confirmed.
- 4.1.7 During the determination period of the planning application for the Grizebeck Scheme, the Council received some requests from statutory consultees for further information to assist them with the preparation of their responses to the consultation on the planning application. Further information was provided by the Council as applicant in response to these requests all of which were addressed satisfactorily to the extent that the Council as local planning authority did not identify any impediment to the grant of planning permission for the Grizebeck Scheme. One matter, referred to in the Flood Risk Assessment ("**FRA**") submitted with the planning application, highlighted the need for a proposed flood compensatory area near to the proposed Grize Beck culvert. Two options were reported in the FRA and the Council is planning engagement with the landowners potentially affected. Both the options for a solution to provide a flood compensatory area are within the planning red line boundary and a planning condition has been imposed on the consent from the Council as local planning authority requiring the submission of details of the proposed arrangements for compensatory storage.

4.1.8 The close compliance with planning policy (see Section 3), the support for the Grizebeck Scheme (see Section 9) and the benefits it would bring (see Section 2) all contributed to both planning applications for the Grizebeck Scheme being approved at first instance by both local planning authorities.



## **5. Funding Position**

### **5.1 Estimated Cost of the Grizebeck Scheme**

- 5.1.1 The overall estimated scheme cost for the Grizebeck Scheme is £23.292 million
- 5.1.2 This cost estimate is calculated on the basis of a preliminary design standard, including: all land acquisition and assembly costs (including blight and an estimate for Part 1 Land Compensation claims), planning costs, design, management and supervision costs, construction works costs, VAT allowance, risk allowance and inflation allowance.
- 5.1.3 This figure will be reviewed and monitored on an ongoing basis as the project progresses through the delivery programme stage and whilst the costs will only become more certain once the detailed design and a firm price has been agreed for the Stage 2 element of the design and build contract, the Council can demonstrate it has the necessary resources and contingency to fund any increases or cost overruns that may occur (see Section 5.4 below).
- 5.1.4 The funding for the scheme is being sourced from a combination of the DfT, CCC and CLEP financial resources.

### **5.2 Sources of Funding: Department for Transport**

- 5.2.1 An Outline Business Case requesting £12.718 million was submitted to the DfT in April 2019. The DfT approved the scheme to Programme Entry for the MRN programme on 27th October 2020. Any confirmation of DfT funding will remain subject to Final Business Case (FBC) approval which is standard practice for any new highway schemes funded by the DfT. FBC submission is timetabled for Autumn 2023, with full DfT approval expected in early 2024.

### **5.3 Sources of Funding: Cumbria Local Enterprise Partnership**

- 5.3.1 A Full Business Case requesting £2.24 million from Growth Deal Funding was submitted to CLEP in April 2020 and subsequently an award of £2.24 million was approved on 10th November 2020. Any CLEP funding remains subject to the Council securing and being paid the DfT funding.
- 5.3.2 CLEP funding is being used to develop the design for the planning application, and land purchase until the DfT funding (£12.718 million) becomes available after the DfT FBC has been submitted and approved in early 2024.

### **5.4 Cost Increases/Overruns**

- 5.4.1 The overall estimated scheme cost for the Grizebeck Scheme is £23.292million which is £8.330million above the OBC cost estimate in 2019. These cost increases are a direct result of the continued inflationary pressure within the construction industry resulting in both a direct increase in construction materials cost and an indirect risk allocated by contractors in pricing contracts. The overall trend in costs increases is understood to have been exacerbated by Russia's invasion of Ukraine in February 2022.
- 5.4.2 To address the funding shortfall the Council has provided additional funding allocations within the Council's Capital Programme. Further to this the Council has consulted with the Westmorland and Furness Shadow Authority which is supportive of the funding commitment that has been made by the Council for delivery of the Grizebeck scheme.

## **5.5 Conclusion**

- 5.5.1 The Council is confident that all necessary funding will be available to enable the Grizebeck Scheme to proceed at the necessary time.

## **6. Delivery of the Grizebeck Scheme**

### **6.1 Programme**

6.1.1 A preliminary construction programme for the Grizebeck Scheme has been developed with input from the Council's appointed Design & Build contractor, Story Construction Limited.

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

- July 2022 – Spring 2023 - Ongoing detailed design of the Grizebeck Scheme, site surveys and assessments
- Autumn 2022 – Planning consent granted
- Autumn 2022 - Make CPO and SRO
- Winter 2023 – Orders Objection Period
- Spring/Summer 2023 - CPO and SRO Public Inquiry
- Autumn 2023 – Final Business Case submission
- Autumn 2023/Winter - Confirmation of CPO and SRO
- Winter 2023/2024 – General Vesting Declaration (GVD)
- Spring 2024 – Planned Construction Works Start
- Summer/Autumn 2025 – Planned Works Completion/Opening to Traffic

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

### **6.2 Procurement**

6.2.1 The Council has secured the delivery and implementation of the Grizebeck Scheme through a tendered contract which is fully compliant with the Official Journal of the European Union requirements. For this reason the Council doesn't expect any further procurement process to be necessary to select a works contractor to deliver the construction works for the Grizebeck Scheme.

## **7. Location and Description of the Grizebeck Scheme Land and Works**

### **7.1 General Location**

- 7.1.1 The general location of the Grizebeck Scheme would lie adjacent on the A595 north of Barrow-in-Furness in Cumbria (see Figure 5 and the Scheme Location and Extent of Planned Intervention plan at Appendix 1).
- 7.1.2 The broad geographic corridor for the Grizebeck Scheme lies on predominantly agricultural land between the village of Grizebeck and Chapels hamlet, within 150m east of the current A595 alignment (approximate grid reference of Grizebeck Scheme centre point is: SD 23620 84619). To the north, the A595 and A5092 provide a west-east link between Millom and Kendal, and to the south the current A595 alignment provides access from this west-east corridor to the Furness Peninsula.
- 7.1.3 Along the southbound section of the A595 are a number of constrictions between Grizebeck and Chapels. These include the narrowness, multiple bends and conflicts with other activities within Grizebeck village, a sharp turn approximately 100m north of Dove Ford and restrictions caused by the road narrowing to effectively single-lane as it passes through the two groups of buildings of Dove Ford Farm.
- 7.1.4 The key features in the landscape which would need to be crossed include, from north to south, Press Beck, a tributary of the Kirkby Pool watercourse, Grize Beck (and associated woodland areas on both banks) which flows into Press Beck, an unnamed small watercourse and Pen Hill which crosses and rises to the east of the new road alignment.
- 7.1.5 The topography generally steepens to the east towards Kirkby Slate Quarry, and to the west slopes gradually downwards towards the Duddon Sands Estuary.

### **7.2 Nature and Condition of the CPO Land**

- 7.2.1 The majority of the CPO Land is agricultural land, greenfield and is typically used for crops, for grass for use as silage, for grazing by livestock or for a combination of all these activities on a rotational basis. The remainder of the land needed for the Grizebeck Scheme consists, in some cases, of domestic residential garden space and an area of scrub/woodland.

### **7.3 Existing Highway Arrangements**

- 7.3.1 The Council manages and maintains all of the public highways directly affected by the Grizebeck Scheme. The A595 and A5092 routes between Millom and Greenodd were formerly trunk roads until 2006 when they became the responsibility of Cumbria County Council.

### **7.4 Works to Watercourses**

- 7.4.1 The Grizebeck Scheme's main works would involve works being carried out to a number of watercourses shown in Figure 9 below namely:
- Press Beck at the A595 road widening point at Ellermire Bridge;
  - Grize Beck where the new road crosses on an embankment; and
  - Un-named watercourse south of Grize Beck also to be crossed by the new road on an embankment.

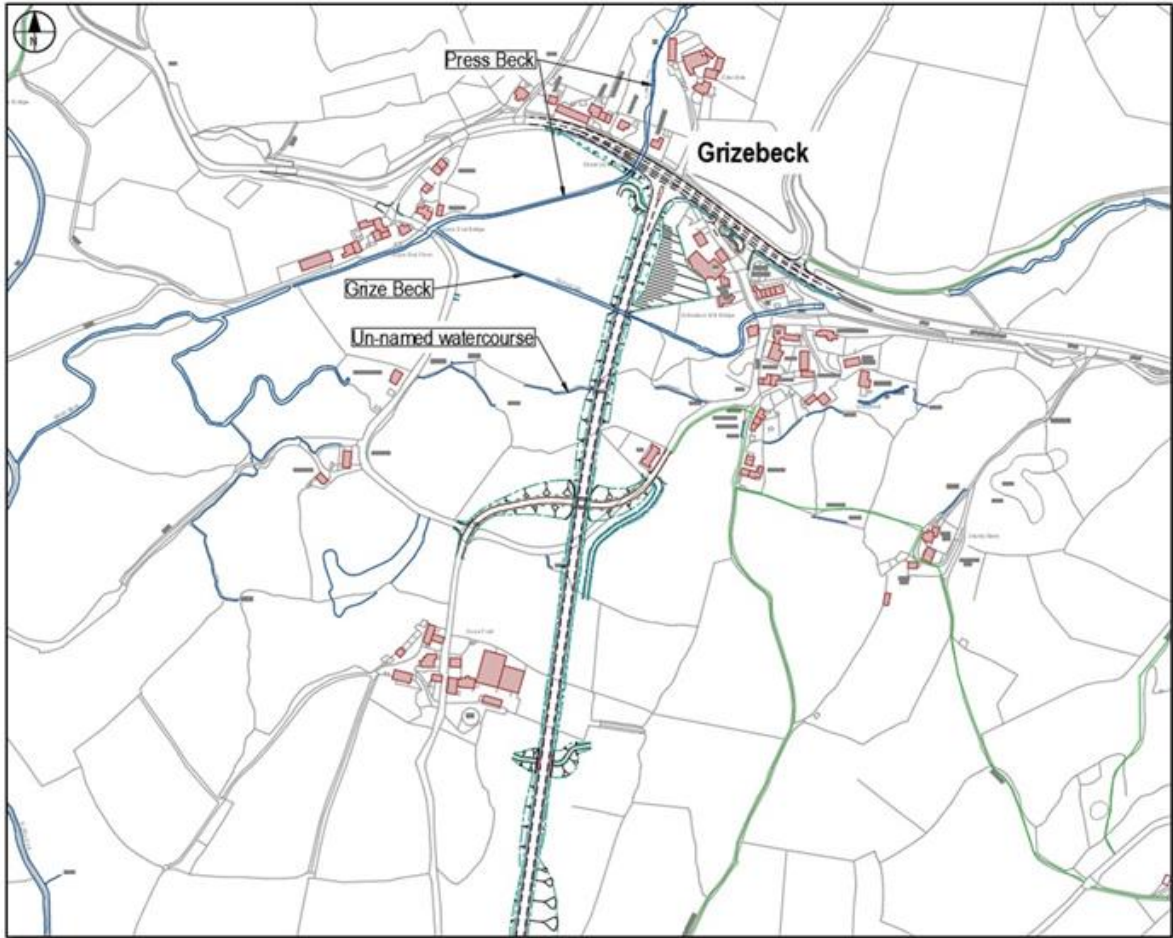


Figure 9: Watercourses affected by the scheme

## 7.5 Full Grizebeck Scheme Details

### Standard

7.5.1 The Grizebeck Scheme would provide a 1.4km length of new single carriageway highway, replacing the existing A595 from a point opposite the village of Chapels to the village of Grizebeck. It would bypass Grizebeck village and form a new junction to the A595/A5092 to the west of Grizebeck village.

### Junctions

7.5.2 The Grizebeck Scheme would deliver eight new or modified road junctions.

7.5.3 There would be two new junctions created at:

- New A595/A5092 Junction – formed by the new road and upgraded sections of existing A595 and A5092, located at the north of the Grizebeck Scheme opposite the access track to Eller Mire.
- New A595/C5014 (Buckhorn Lane) Junction – formed by the new A595 immediately north of Chapels and a new section of side road to connect to Buckhorn Lane.

7.5.4 There would be six modified junctions created at:

- Modified 'Mousetrap' Junction – stopping up to vehicular traffic of the junction between the A595 and C5013 north west of Bank End known as the Mousetrap. There will also be a turning head created approximately 100m from the Mousetrap

junction opposite the access track to Bank End Cottage/Barn.

- Modified Grizebeck Garage Service Road/A595 Junction – alteration of the existing junction between the service road and A595 immediately west of the service station which is currently two-way to become an ‘in only’ junction with associated right turn lane provided.
- Modified Grizebeck Junction with A5092 – alteration of the proposed reclassified A595/A5092 junction in Grizebeck village to an ‘out only’ junction with associated right turn lane provided.
- Modified reclassified A595/C5013 – alteration of junction on reclassified A595 with minor road to Bank End.
- Modified Chapels Junction with new A595 – alteration of existing A595/U5088 Chapels Row junction with associated right turn lane provided.
- Modified Meadow Bank Farm access track (Bridleway No. 539046) junction with new A595 – alteration of existing junction with associated right turn pocket provided.

### **Bridge**

- 7.5.5 The Grizebeck Scheme would deliver one new road bridge. In order to link the section of the A595 to be declassified and the road from Bank End to Grizebeck village a new bridge over the new road would be built.

### **Footpaths and cycle tracks**

- 7.5.6 The Grizebeck Scheme includes the construction and connection of non-motorised user routes, comprising footpaths and cycle tracks (with a right of way on foot). All sections of the proposed multi-use footpath/cycleway are referred to as a “**Shared Path**”.
- 7.5.7 The Shared Paths would comprise a minimum 3m-wide shared-use facility for pedestrians and cyclists and would run along the following sections of the Grizebeck Scheme:
- On the new section of A595, a new Shared Path would start to the west of the road at Chainage 000 (60m south of the modified A595/Bridleway No. 539046 Junction) and continues north to Chainage 240 where it joins the stopped up section of former A595.
  - A new bridleway , joining the above new section from the south, would be created starting from and using, the stopped up section of A595 between Chainage 240 and continuing north for 250m to the new turning head south of Dove Bank House.
  - A new bridleway would be created from a section of stopped up C5014 Buckhorn Lane north of Chapels to link the hamlet with a crossing point to the Shared Path on the west of the new road.
- 7.5.8 New footpaths would be provided on the eastern side of the new A595 at Chapels as follows:
- South of the Grizebeck junction (U5088 Chapels Row) for 40m to provide segregated access to the relocated bus stop and crossing point of A595.
  - North of the Grizebeck junction (U5088 Chapels Row) for 10m to provide link to the north of the village and Buckhorn Lane and Bridleway 539046.

### **New private means of access**

7.5.9 The Grizebeck Scheme would provide 20 new private means of access to farmland and properties in total, access to which would otherwise be severed by the Grizebeck Scheme. The majority of these private means of access would be gated, accessed directly from the edge of the adopted highway; however, in one case it would be accessed via a new track provided across land owned by the landowner affected. This new access track would be as follows:

- A track approximately 140 metres in length from a new gated access located opposite the entrance to the Grizebeck Village Hall and running in a generally south westerly direction to farmland north of Dove Ford Farm (new access Reference '8' in Schedule 2 to the SRO).

### **Drainage**

7.5.10 The surface water run-off from the carriageway of the new classified road would be drained to a number of new attenuation basins which would be provided as part of the Grizebeck Scheme along the length of its route. There would be four new drainage basins in total, located:

- Immediately west of the new section of A595 and south of the extended Ellermire Bridge (Basin 1).
- To the east of the new A595 in an area bounded by the road the Grizebeck Community Centre and Car Park and northern embankment of new bridge (Basin 2 featuring a permanent water level).
- Immediately south of the new bridge embankment on the western side of the Grizebeck Scheme (Basin 3).
- Immediately south of U5088 Chapels Row into Chapels and east of Grizebeck Scheme (Basin 4).

### **Landscaping**

7.5.11 Overall, the proposed landscape design has been informed by the findings of the Environmental Statement and, in particular, has been designed in response to the existing landscape character and ecological strengths of the site, residential amenity and the local environment.

7.5.12 In addition to mitigating the environmental effects of the Grizebeck Scheme and providing opportunities for further enhancement, the proposals aim to provide Biodiversity Net Gain, in accordance with the NPPF and local plan policy which both require a net gain to be achieved. Three large areas would be dedicated to the provision of habitat mitigation in the vicinity of the new road corridor. One area will incorporate a new wildlife basin with associated planting.

7.5.13 The attenuation basin adjacent to the Grizebeck Community Centre has also been designed to be permanently full of water and would contribute to the new wetland habitats; pedestrian access would be provided with a seating area as a new public open space.

7.5.14 The landscape design includes various planting types, including:

- Grasses - including amenity seed mixes for visibility splays, various different species rich meadow seed mixes for different microclimates and seed mixes for agricultural reinstatement.
- Shrubs – native shrub species.
- Woodland – native woodland species.
- Hedgerows – various native hedgerow mixes.

- Individual trees – both semi-mature (5-5.5m high) and standard (2.5-3m high) native tree species.
- Wetland – marginal species, submerged and floating species within the attenuation basins and habitat mitigation areas.

7.5.15 The aims underlying the proposed design are:

- to minimise the impacts of the new road corridor on the landscape and particularly the setting of the Lake District National Park;
- to minimise the impacts on residential amenity;
- to return more land back to agricultural use following delivery of the Grizebeck Scheme; and
- to design the earthworks sensitively within the natural topography.

7.5.16 The design of the cutting through Pen Hill will be designed so as not to appear ‘engineered’.

7.5.17 An area of farmland would be reprofiled to provide a gently sloped 3m high bund east of the Grizebeck Scheme immediately west of the rear of the service station in order to provide mitigation to direct Barn Owls over the Grizebeck Scheme.

7.5.18 The design of the new bridge and large culverts will incorporate local stone masonry cladding into the substructure to ensure that the design respects the local vernacular of the area and creates a sense of local distinctiveness and identity.

## **7.6 Grizebeck Route Description**

7.6.1 The Grizebeck Scheme divided by chainage (distance along the road, as marked on the General Arrangement drawing submitted with the Grizebeck Scheme planning application), is provided below. This is divided into two sections:

- South to North – this section follows the route of the length of new road construction from Chapels to the new A595/A5092 Junction;
- West to East – this section follows the existing line of the A595 and A5092 from Bank End to the eastern outskirts of Grizebeck village.

### **South to North Chainage**

7.6.2 Chainage 0-50m: Minor western realignment of A595 at the southern extent of the Grizebeck Scheme to tie into the new alignment of the Grizebeck Scheme. Chainage 0m marks the start of a new 3m wide Shared Path to the west of the carriageway which continues north following the new carriageway alignment within a shallow cutting.

7.6.3 Chainage 55m: New pedestrian/cycle crossing point created (with refuge in centre of road) to link the new Shared Path (which continues north) and a new footway on the eastern side of the Grizebeck Scheme which connects the relocated bus stop to Chapels village.

7.6.4 Chainage 70m: Junction of track and Bridleway (PRoW No. 539046), towards Meadow Bank Farm, to be repositioned further west to accommodate the new classified road alignment. A central pocket within the new carriageway will be provided to accommodate vehicles turning right on to the track.

7.6.5 Chainage 100m: Revised Chapels junction into village from new carriageway – moved to the east to meet new carriageway alignment with central right-turning lane within new carriageway. Junction from Buckhorn Lane (C5014) onto previous alignment to A595 stopped up to vehicles with NMU access only allowed at this point.

7.6.6 Chainage 160m: New junction formed onto Buckhorn Lane (C5014) to new classified road with central right-turning lane within new carriageway. Opposite this new junction a new gated field access will be provided on western side of new classified road. The new Shared Path continues north as the western extent of the Grizebeck Scheme.



- 7.6.7 Chainage 200m: Junction from Buckhorn Lane (C5014) onto previous alignment to A595 stopped up to vehicles with NMU access only allowed at this point. New pedestrian/cycle crossing point created (with refuge in centre of road) to link the new Shared Path which continues north almost at previous grade as shallow cutting ends. New vehicle carriageway begins to be formed in cutting past Pen Hill.
- 7.6.8 Chainage 235m: New Shared Path to west of new classified road diverts north west away from the new carriageway along the former A595 road. The new carriageway continues northwards in a cutting past Pen Hill.
- 7.6.9 Chainage 235-550m: The new carriageway continues northwards in a double cutting through Pen Hill with an increasing (deeper) cutting height to the east. The highest cutting point is reached at Chainage 550m opposite Dove Bank.
- 7.6.10 Chainage 550-700m: The new carriageway continues northwards in a double cutting through Pen Hill with a decreasing (shallower) cutting height to the east.
- 7.6.11 Chainage 790m: The new classified road continues northwards crossing over a new landowner access underpass.
- 7.6.12 Chainage 1050m: The new classified road continues northwards crossing under new overbridge linking the communities of Dove Ford/Bank and Bank End with Grizebeck village.
- 7.6.13 Chainage 1050-1290m: The new classified road continues northwards on a rising height embankment and crosses Grize Beck at Chainage 1290m.
- 7.6.14 Chainage 1290-1350m: The new classified road continues northwards on a rising height embankment and at Chainage point 1350m two new gated field accesses are formed to the east and west of the new carriageway.
- 7.6.15 Chainage 1380m: New A595/A5092 junction formed.

### **West to East Chainage**

- 7.6.16 Chainage (minus)120m: Mousetrap junction A595/C5011 permanently closed to vehicular traffic. Access for non-motorised users maintained, via gateway feature.
- 7.6.17 Chainage 200-300m: Widening of existing carriageway through extension to Ellermire Bridge to the south (Ch. 240m). Creation of right hand turn lane into new classified road junction plus right hand turn pocket for access to track up to Eller Mire Farm.
- 7.6.18 Chainage 300-350m: Widening of existing carriageway to create space for a right turn lane into redesigned Grizebeck village access at Ch. 350m which will become an 'in only' access road into the village past the existing filling station.
- 7.6.19 Chainage 350-450m: Installation of pedestrian crossing with refuge island to provide crossing point (Ch. 365m) from existing footway on north side of A595/A5092 to new footway to new bus stop/layby and into Grizebeck village. Redesign of existing junction to become an 'out only' access from Grizebeck village onto A5092.

## 8. Alternatives

### 8.1 Introduction

8.1.1 In the early stages of the Grizebeck Scheme development process the Council undertook an assessment of potential options to meet the scheme objectives. The design process for the project followed the various stages for transport appraisal in accordance with the Transport Analysis Guidance (“TAG”) published by the Department for Transport i.e.:

- Stage 1 – covers basic option generation and sifting;
- Stage 2 – detailed assessment of options which ends with the selection of the preferred option; and
- Stage 3 – detailed design development of the preferred option which can be taken forward to planning permission.

### 8.2 DMRB Stage 1

8.2.1 The Stage 1 assessment considered potential route options for a road scheme which was the broad choice identified as the best way of meeting the objectives. Only highway improvement options were considered, as the problems identified at Grizebeck are specific to the A595 and local roads at this point. Off-road solutions (e.g. rail/bus) would not directly address or sufficiently resolve the identified problems along this section of road. Also, whilst the Cumbrian Coast railway line and its development has a prominent role to play in the wider economic growth and strategic transport plans along the A595 corridor, a rail-only solution here does not address or resolve the specific issues identified at Grizebeck.

8.2.2 A long list with 12 infrastructure options developed that could be brought forward to Stage 2 (Option Selection) of the Grizebeck Scheme, are listed in Table 2 below. Of these the first 10 were identified in the initial exercise to produce a long list. The final two were produced following wider consultation including the first public consultation exercise discussed further in this section.

*Table 2: TAG Stage 1 Long List Options*

Option	On-line Upgrade or New Alignment	Description
Option 1	On-line Upgrade	On-line widening of the narrow section of road to the north and south of Dove Ford Farm and the implementation of traffic signals to control traffic through the remaining pinch point over a length of approximately 120m. This would include a realignment of the bend to the north of the farm to create a safe alignment.
Option 1a	New Alignment	This measure is the same as Option 1 but with a bypass of Grizebeck from north of the farm to join up with the A595 to the west of Grizebeck.
Option 2	On-line Upgrade	On-line widening of the narrow section of road including the demolition of at least two farm buildings. This would include a realignment of the bend to the north of the farm to create a safe alignment.
Option 2a	New Alignment	This measure is the same as Option 2 but with a bypass of Grizebeck from north of the farm to join up with the A595 to the west of Grizebeck.

Option	On-line Upgrade or New Alignment	Description
Option 3	New Alignment	This measure would bypass the narrow section of road to the east of the existing road creating a new connection with the existing A595 south of the village of Grizebeck. This would remove the pinch point on the road. New junctions/ access would be required to maintain accesses to the properties on the existing section of road.
Option 3a	New Alignment	This measure would bypass the narrow section of road to the west of the existing road creating a new connection with the existing A595 south of the village of Grizebeck. This would remove the pinch point on the road. New junctions/ access would be required to maintain accesses to the properties on the existing section of road.
Option 4	New Alignment	Full bypass to the east of Dove Ford Farm. This is the same as Option 3 but with a bypass of the village to join up with the A595 to the west of Grizebeck.
Option 4a	New Alignment	Full bypass to the west of Dove Ford Farm. This is the same as Option 3a but with a bypass of the village to join up with the A595 to the west of Grizebeck.
Option 5	On-line Upgrade	Buckhorn Lane runs north from Chapels to meet the A5092 to the east of Grizebeck. This option would involve widening the existing narrow lane and realigning in locations to remove tight radii and avoid properties.
Option 6	New Alignment	Full bypass of Grizebeck to the west of Dove Ford and Bank End, joining the A595 to the west of Bank End.
Option 7	New Alignment	Full bypass of Grizebeck to the east, joining the A5092 to the east of Grizebeck.
Option 8	New Alignment	One-way gyratory using two one-way roads, based around the existing highway and a new link.

8.2.3 Three of the options set out in Table 2 were not taken forward for initial assessment because, for the specific reasons set out below, the options were deemed unsuitable for further development. The three discounted options were:

- Option 6, a bypass to the west: topography to the west of Grizebeck means that the route would have to raise significantly to join the A595 and a significant portion of the northern section would run directly through a Flood Zone 3;
- Option 7, a bypass to the east: topography to the east of Grizebeck means the A5092 is on a steep gradient, and it would be difficult to accommodate a junction designed to standard; and
- Option 8, a one-way gyratory: constructing a new one-way link would be a similar cost to a new two-way link and would still leave substandard sections of highway in the area.

8.2.4 With exception of route options 7 and 8 for which there is no option shown on a plan, all the initial 10 route options listed in Table 2 are also shown diagrammatically in Figure 10 below.

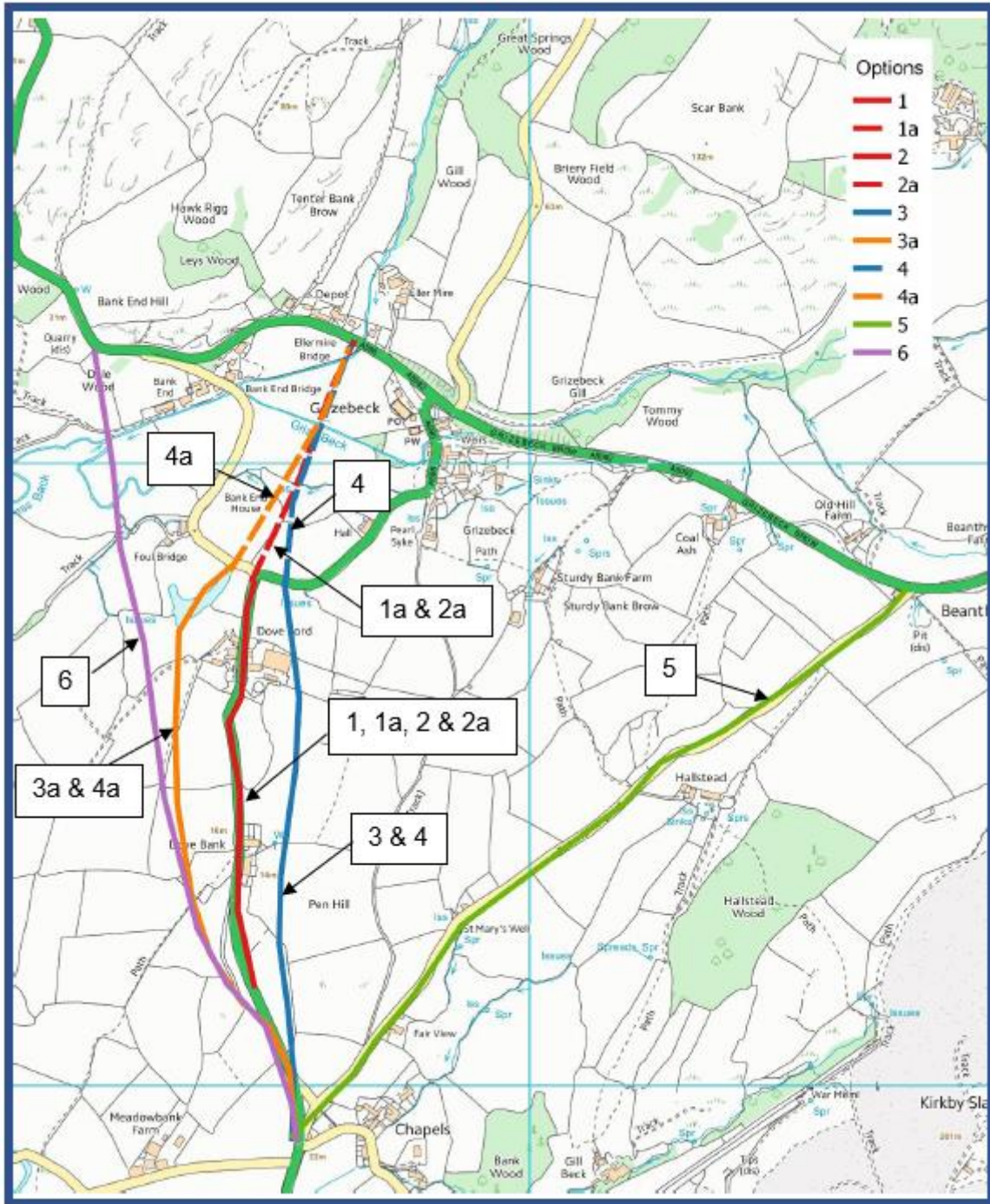


Figure 10: TAG Stage 1 Long List Options (excluding options 7 & 8)

### 8.3 DMRB Stage 2 Further Options Appraisal

- 8.3.1 The remaining 9 options were reviewed through an assessment process using the DfT’s Early Assessment and Sifting Tool. The options were scored and ranked using four assessment criteria: strategic, economic, value for money, and feasibility. The scoring exercise was based on those assessments made by the project team as part of an earlier stage of scheme development work.
- 8.3.2 The scoring exercise identified three scheme options to be taken forward to the next stage and to be assessed at a more detailed level. These were Options 2a, 4 and 5.

- 8.3.3 The further development of Option 5, the widening of Buckhorn Lane, identified that the option could not meet the Grizebeck Scheme objectives, and would not provide sufficient benefit in the economic appraisal. The option was therefore not considered further and not taken to public consultation as a business case could not be made for investment in this option.
- 8.3.4 The two remaining options that were taken forward were the red route (Option 2a) which is mainly an online widening option, and the blue route (Option 4) which provides a new link to the east of Dove Ford Farm and the cottages at Dove Bank. Both options provide a new link past Grizebeck, meeting the A595 at a new junction to the west of the existing junction.
- 8.3.5 Both of the two options identified for more detailed consideration were subsequently developed further. They were then taken forward through another public consultation exercise which also included further engagement with key technical, statutory and political stakeholders. Figure 11 below shows the route options presented in this consultation where, for simplicity, the designation of the original Option 2a was changed to Option 1 – ‘The Red Route’ and the original Option 4 to Option 2 – ‘The Blue Route’.

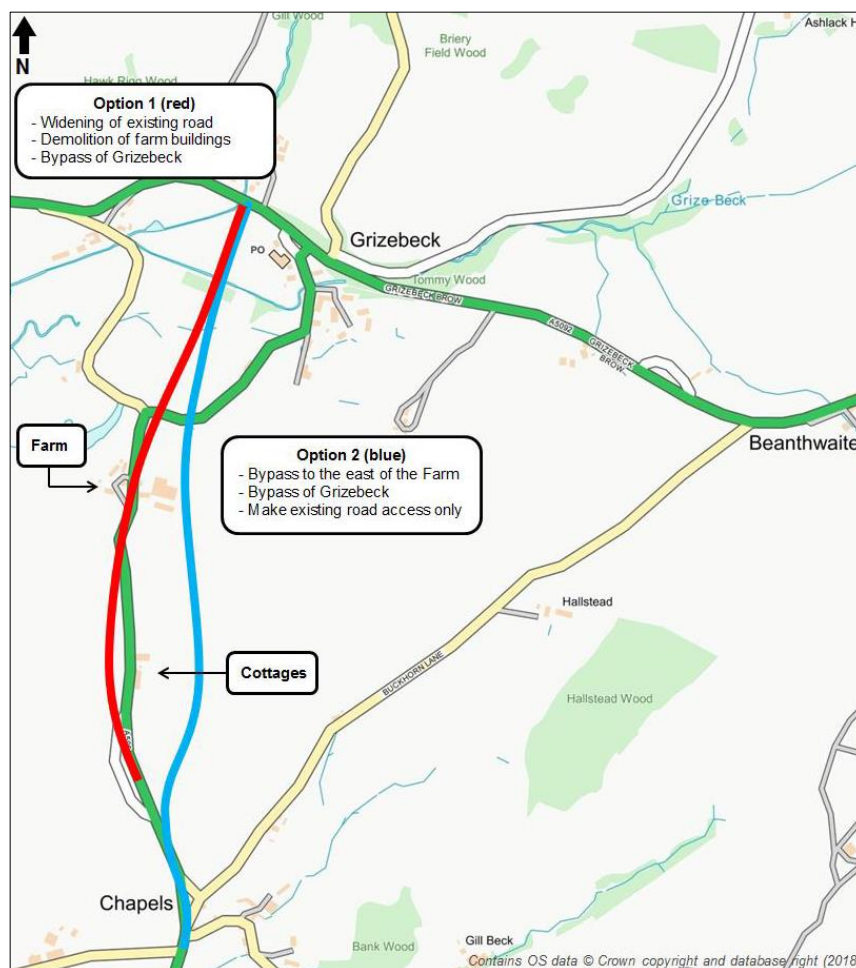


Figure 11: Red and Blue Route Options

- 8.3.6 The public consultation exercise undertaken by the Council is described in detail in Section 9, however, in short, Option 2 – The Blue Route, was selected as the preferred route for more detailed design development work.

## 8.4 Alternatives to compulsory purchase

- 8.4.1 As explained more fully below in Section 14 of this Statement, the Council considers that

compulsory purchase powers will be necessary to enable the assembly of the land required for the Grizebeck Scheme, thereby facilitating delivery of the Grizebeck Scheme within the requisite timescale.

- 8.4.2 Every effort will be made to acquire land and rights over land by agreement; however, the number of land parcels and the disparity of ownership which are inevitably associated with a long linear project such as the Grizebeck Scheme mean that compulsory purchase powers are likely to be necessary to ensure that all of the land required can be secured in a timely manner. This is recognised in the CPO Guidance, which acknowledges that “*given the amount of time required to complete the compulsory purchase process*” it may be necessary, “*as a contingency measure*” for “*the acquiring authority to plan a compulsory purchase timetable*” and “*initiate formal [CPO] procedures*” in parallel with negotiations to acquire land by agreement.
- 8.4.3 The nature of a linear scheme is such that opportunities to minimise the impacts of land take are necessarily constrained by the fact that certain land ownerships and land parcels will inevitably be crossed by the proposed highway alignment, once that has been selected through the options appraisal process (as outlined above). Ultimately, with a linear scheme, the majority of land parcels are required as a matter of necessity, as determined by the route of the scheme. This is indeed the case in relation to the Grizebeck Scheme.
- 8.4.4 Given the above, the Council has concluded that there is no feasible or available alternative way of delivering the Grizebeck Scheme without the need for the acquisition of land owned by third parties. The acquisition of third party land is fundamental to the successful delivery of the Grizebeck Scheme; as such, there is no reasonable alternative to the acquisition of land, whether such acquisition is effected compulsorily or by agreement.

## **8.5 Conclusion**

- 8.5.1 In summary, , having determined that a road scheme was required as the only means to fully achieve the scheme objectives, alternative route options for the Grizebeck Scheme were considered.
- 8.5.2 The selection of the preferred route was completed following significant development and assessment work, including stakeholder and public consultations and input.
- 8.5.3 It was clear from this comprehensive options appraisal process that none of the alternative solutions would be capable of achieving the identified scheme objectives and delivering the resultant benefits better than, or on an equivalent basis to, the Grizebeck Scheme.
- 8.5.4 Equally, as the acquisition of third party land is fundamental to the successful delivery of the Grizebeck Scheme, there is no reasonable alternative to the acquisition of land, whether such acquisition is effected compulsorily or by agreement.

## **9. Consultation, Engagement and Support for the Grizebeck Scheme**

### **9.1 Introduction**

9.1.1 This Section summarises the extent of stakeholder engagement and consultation undertaken to date for the Grizebeck Scheme and the level of support there is for the Grizebeck Scheme.

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

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

### **9.2 Government Support**

9.2.1 The DfT are fully supportive of the Grizebeck Scheme as shown when the Outline Business Case requesting £12.178 million was submitted to the DfT in April 2019 and subsequently approved for entry to the MRN programme on 27th October 2020.

### **9.3 Cumbria Local Enterprise Partnership Support**

9.3.1 The CLEP are fully supportive of the Grizebeck Scheme as shown when the Full Business Case requesting £2.24 million was submitted to them in April 2020 and subsequently an award of £2.24 million was approved on 10th November 2020.

### **9.4 Landowner Engagement**

9.4.1 Initial landowner dialogue and communications began in the second half of 2018, when a letter was sent by the Council to all primary interests identified along the potential routes of the Grizebeck Scheme that were being investigated at the time (the two route options as identified in Section 8 above).

9.4.2 A chronological overview of the Council's engagement and communications with landowners in relation to the Grizebeck Scheme to date is set out in Table 3 below.

9.4.3 The Council has and continues to engage with all landowners on the development of the scheme design including accommodation works and the mitigation of adverse impacts where applicable. This is with a view to being able to commence commercial negotiations for acquiring land or interests in land by agreement once authority has been provided to do so. Such authority to proceed with negotiations will only be available following a reporting process to the Council's Executive. This is currently expected to take place in October 2022 as part of a wider reporting process to seek authority to make and seal a CPO - Also see Section 10 of this Statement.

Table 3: Record of Communication Activities To Date

<b>Date</b>	<b>Type of contact</b>	<b>Reason for contact</b>	<b>Form of Dialogue /Correspondence</b>
October 2018	Meetings held with landowners prior to start of public consultation process	Engagement	Meetings
October 2018	Notice and Invitation to Route Options Consultation	Consultation	Letter
October/November 2018	Public Consultation	Consultation	Drop-In Events
March 2019	Preferred Route Announcement	Announcement	Letter
August 2019	Request for permission for access to undertake surveys	Request	Letter
October 2020	DfT Funding Announcement	Announcement	Letter
February 2021	Project Update and Request for permission for access to undertake surveys	Update & Request	Letter
March 2021	Request for permission for access to undertake surveys, Issue of S.297/330 Notice and Agricultural Farm Questionnaire to principal landowners	Requests	Letter
April 2021	Requests for Meetings re: Planned Ground Investigations	Requests	Letter
April/May 2021	Meetings held with principal landowners (5 No.) re: Ground Investigations	Engagement	Meetings
June 2021	Meetings held with principal landowners (5 No.) re: outline design prior to Pre-Planning Application Consultation	Engagement	Meetings



Date	Type of contact	Reason for contact	Form of Dialogue /Correspondence
June/July 2021	Pre-Planning Application Consultation	Consultation	Virtual Drop-In Events
October 2021	Issue of General Arrangement Plan	Information	Email
October/November 2021	Meetings held with principal landowners (5 No.) re: preliminary design and habitat mitigation areas	Engagement	Meetings
March 2022	Meetings held with principal landowners to coincide with submission of planning application	Engagement	Meetings
May 2022	Issue of S.297/330 Notice to remainder of landowners	Requests	Letter
July 2022	Issue of draft land and accommodation works plans to landowners for comment and feedback	Engagement	Meetings
August 2022	Issue of land related queries to landowners and requests for feedback	Engagement	Meetings
September/ October 2022	Scheme update and feedback on draft plans issued to date.	Engagement	Meetings

## 9.5 Public Consultation – October/November 2018

9.5.1 The two short-listed options (discussed in Section 8) were presented during a public consultation between 19th October to 16th November 2018. The consultation included the following stakeholders:

- Local Members of Parliament;
- Local District Authorities;
- CLEP;
- TfN;
- Statutory bodies including the Environment Agency, National Highways, Natural England and Historic England;
- Local Parish Councils;
- Landowners;
- Local community and the wider public; and
- A range of other stakeholders.

- 9.5.2 The public consultation consisted of the following:
- Workshop on preferred interventions with elected members of the Council;
  - Meetings with key landowners;
  - Letters to affected landowners, businesses and other key stakeholders;
  - Four week consultation period;
  - A dedicated webpage on the Council's website;
  - Two drop-in event days held at Grizebeck Community Hall on the 19<sup>th</sup> October and 7<sup>th</sup> November 2018 (attended in total by approximately 312 people between both events), staffed by members of the technical project team to respond to queries;
  - Provision of consultation documents outlining the Grizebeck Scheme background and proposed routes; and
  - A dedicated feedback form provided both at the drop-in events and on the Grizebeck Scheme's dedicated website.
- 9.5.3 The consultation sought opinions on two potential route options (see Figure 11): the Red Route which is mainly an online widening option, and the Blue Route which provides a new link to the east of Dove Ford Farm and the cottages at Dove Bank. Both options provide a new link past Grizebeck, meeting the A595 at a new junction to the west of the existing junction.
- 9.5.4 The feedback form was completed by 258 respondents, in addition to responses from local parish councils, the A595 Action Group, and significant businesses in the area. The results showed general support for the Blue Route particularly amongst the public response. In general, statutory authorities displayed no preference between the route options. No support was provided for either route amongst interest organisations, although the comments provided more negative comments relating to Red Route.
- 9.5.5 Other key priorities identified from the public consultation included:
- The importance of ensuring road safety;
  - The easing of traffic congestion along this route;
  - Improving the journey time on the A595;
  - Protecting the land and farming activities;
  - Ensuring that local businesses thrive;
  - Reducing the air pollution and carbon emissions from traffic and construction vehicles;
  - Having good access to properties.

- 9.5.6 The consultation feedback also identified a public desire to consider additional options, which included the previously discounted option to the east following the alignment of Buckhorn Lane, and a new route to the west of Bank End. Following the consultation, these options were developed to the same level as the Red and Blue routes.
- 9.5.7 During a detailed assessment of the options, it was concluded that the Buckhorn Lane option 5 would not achieve the Grizebeck Scheme objective of improving journey times, due to the increased length of the route for the predominant south to west traffic movements. The option would therefore achieve poor value for money with an estimated Benefit Cost Ratio (BCR) of 0.43 which is less than the minimum value of 1.5 generally considered to be a threshold value to secure delivery funding in the business case. The economic assessment identified that the western route option 6 would cost significantly more than the other options due to the extensive earthworks required at the northern end of the route and as such, it would also achieve poor value for money. As a result, neither of these two options was progressed further (see Figure 10 for the route alignments for both options 5 and 6).
- 9.5.8 The decision making framework identified the Blue Route as most preferred amongst stakeholders and the preferred route overall. The blue route was subsequently taken forward to full Stage 3 development.

## **9.6 Affected landowners**

- 9.6.1 For ecology related survey work, all affected landowners within 250m of the two potential route options (i.e. the Red and Blue routes) were contacted directly by letter. The 250m threshold was adopted on the basis that the effects of ecology for a new road scheme on land interests outside this area would generally reduce to a negligible level.
- 9.6.2 In the engagement and dialogue undertaken with landowners to date, only two landowners likely to be directly affected by the scheme have submitted representations as part of the planning application stage. One of these is a request for design changes to be made to the scheme by the landowner most affected by the proposals. These are actively being considered by the Council with a view to changes being made that would help support and mitigate any adverse impacts for the landowner. In both cases where representations have been made dialogue is an ongoing process.

## **9.7 Statutory bodies**

- 9.7.1 Local authorities, parish councils, statutory consultees and other representatives were sent letters regarding the proposed Grizebeck Scheme.
- 9.7.2 Many statutory agencies reserved their judgment until the availability of further and more detailed information that would only be available at a more advanced stage in the process. This work has since been undertaken as part of the preparation of the planning application and the statutory agencies re-consulted – see Section 9.13 below.

## **9.8 Stakeholder Support – DfT Application/Outline Business Case**

- 9.8.1 Table 4 below summarises the support received from key stakeholders during the DfT application process and the preparation of the outline business case, demonstrating that there is a high level of enthusiasm to engage with and help deliver the Grizebeck Scheme.

Table 4: Support Provided During DfT Application

Grizebeck Scheme Supporter	Reason for supporting the Grizebeck Scheme
Transport for the North	<p>“Transport for the North is very supportive of your bid to secure funding for improving the A595, which is a defined priority within the STP Investment Programme. The A595 Grizebeck represents a real pinch point and improving this part of the network will greatly support employment, inward investment and business growth opportunities within South and West Cumbria; home to major clusters of activity in advanced manufacturing, nuclear and renewables. The success of these industries is also considered a key element in the future success of the northern economy. We strongly support the business case being prepared and hope DfT can support the proposals presented.</p> <p>TfN’s Strategic Transport Plan and long term transport investment programme identifies schemes, including A595 Grizebeck as key to ensuring that through jobs and housing growth all areas of the North contribute to re-balancing the UK economy.”</p>
Cumbria Local Enterprise Partnership	<p>[The Grizebeck Scheme] “...is a defined priority within the Cumbria Infrastructure Plan and our recently produced Local Industrial Strategy.</p> <p>The delivery of this upgrade would see the removal of various pinch-points along this section of route, including the one at Dove Farm, where the A595 narrows to a single-lane past farm buildings. This upgrade will enhance journey times, improve reliability, safety and user perception. These changes are fundamentally important to improving connections between the key centres for manufacturing, energy and nuclear in south and west Cumbria, which if addressed will encourage investment and provide residents with better connectivity to key employment sites.”</p>
John Woodcock MP	<p>“The preferred route meets all the main objectives in connectivity and journey time reliability with the added vision of a corridor of global nuclear excellence between south and west Cumbria – which will help to advance the Energy Coast.”</p>
South Lakeland District Council	<p>“South Lakeland District Council strongly supports the proposal for improvements to the A595 at Grizebeck. SLDC considers that the scheme will have significant benefits at strategic and local level supporting the emerging Cumbria Local Industrial Strategy, the Lancaster and South Cumbria Economic Region and current and future South Lakeland Local Plans.”</p>
Barrow Borough Council	<p>“The proposed road improvements are essential to support the Cumbrian economy, improve safety and provide more consistent journey time reliability along the A595. It is absolutely essential in Cumbria to ensure the road network provides for freight traffic to existing developments and for future major development(s). The West of M6 Strategic Connectivity study previously identified capacity, connectivity, safety and resilience issues along the A595.”</p>
Copeland Borough Council	<p>“Road connections between West Cumbria and Barrow are currently below the standard required for the modern and nationally significant businesses that are located here and limit opportunities for the respective supply chain companies, and so this scheme is welcomed.</p> <p>It will also greatly help local communities around the Duddon Estuary to access jobs and services in the larger centres.”</p>
Lake District National Park	<p>“I write to support the road improvement on the A595 at Grizebeck. There is a need to improve road safety at this location and the improvement will facilitate economic growth in Furness and West Cumbria.”</p>
Sellafield Limited	<p>“A significant number of Sellafield Ltd’s employees, contractors and supply chain partners regularly travel to the Sellafield site and our other off-site premises in West Cumbria along the southern route of the A595. Sellafield Ltd is fully supportive of</p>

Grizebeck Scheme Supporter	Reason for supporting the Grizebeck Scheme
	any upgrades to the A595 which can improve road safety, connectivity and journey time reliability, both for our own business purposes and for the benefit of the wider community.”
BAE Systems	<p>“Given the scale of our operation we must draw upon a major supply chain and workforce. As part of this, there exists significant links between our site and businesses and workers in west Cumbria. Despite these links; we consider the pinch point on the A595 at Grizebeck to be a major barrier; wholly inappropriate to HGV movements and the ability of workers to reliably travel to our site.</p> <p>We consider that the proposed upgrade to the route will significantly improve this situation and as such I hope that you will consider this business case favourably and provide the funding support needed to ensure delivery of this important improvement.”</p>
Associated British Ports	<p>“ABP is the UK’s leading port operator with 21 ports around the UK including the Cumbrian ports of Silloth and Barrow. We have a growth strategy for both ports and efficient road and rail infrastructure is important for our connectivity.</p> <p>The connectivity offered by the port is important to the economy of Cumbria and we have strong links with businesses in south and west Cumbria. Despite this we consider the A595 at Grizebeck to be a major pinch point with this section wholly inappropriate for HGV movements and a barrier to our interaction with business in west Cumbria.</p> <p>We consider that the proposed upgrade to the route will significantly improve this situation and as such as I hope that you will consider this business case favourably and provide funding support for the delivery of this important improvement.”</p>
A595 Action Group	“We are pleased that the blue route focuses only on the specific problem of the 1/2 mile bottleneck from Dove Ford to the junction with A5092 and does not allow other valid but separate issues outside of this to be added on. You have our support for progressing this scheme to make use of the funding opportunity now at hand.”

## 9.9 Preliminary Design Development – Stage 3

- 9.9.1 On the 19<sup>th</sup> March 2020 the then Prime Minister Boris Johnson issued an instruction on behalf of the UK Government that all UK residents were to work at home wherever possible and avoid public gatherings due to the COVID-19 global pandemic.
- 9.9.2 This instruction had an impact on the Grizebeck Scheme development process, particularly in connection with project meetings and public engagement exercises which had to be carried out in a ‘virtual’ online environment.
- 9.9.3 The Council produced a new Communications and Engagement Plan for the preliminary design stage which set out the key actions and consultations that would be undertaken to engage with key stakeholders. The document was updated during the process to reflect changes including the development of the design and consultation exercises, particularly in light of the COVID-19 restrictions. The communication and engagement began when the project launched in October 2018 and ran until the end of the second public consultation in July 2021 (see below). The Communications and Engagement Plan is a live document and will continue to be updated for the ongoing scheme development work beyond the preliminary design stage and the level of engagement and communications expected to be undertaken.

9.9.4 Two main groups of stakeholders were identified that would need to be engaged throughout the preliminary Grizebeck Scheme design stage:

**Internal Stakeholders:**

- Strategic Decision Makers; and
- Lead Elected Members of the Council's Local Committee.

**External Stakeholders:**

- Parish Councils, including Kirkby Ireleth, Duddon, Lowick and Colton;
- Members of Parliament;
- Adjoining Local Authorities;
- Landowners;
- Local Community, including the A595 Action Group and the Grizebeck Road Safety Group;
- Statutory Bodies;
- Statutory Undertakers;
- Emergency Services;
- Statutory National Transport Bodies;
- Non-Statutory Bodies; and
- Businesses/Other Organisations.

9.9.5 All these groups were invited to engage with the consultation, to voice opinions on factors influencing the Grizebeck Scheme preliminary design.

## **9.10 Second Public Consultation – June/July 2021**

9.10.1 The Grizebeck Scheme was presented in more detail at a public consultation held over four weeks between 14<sup>th</sup> June and 11<sup>th</sup> July 2021. The aim of this consultation was to seek opinions on the different elements of the A595 Grizebeck Improvements prior to the submission of a planning application.

9.10.2 The details presented at this public consultation consisted of a 1.4km single carriageway road between Chapels and Grizebeck on the A595 north of Barrow-in-Furness. The presentation considered the following five key elements of the Grizebeck Scheme which are described below from south to north and are described below as follows:

### **1. Chapels Junctions**

The existing A595 will be closed north of Chapels. Access to Chapels will be retained using the existing roads which will now both be provided with a right-turn lane for access into the village from the new A595. The existing speed limit of 40mph will be retained and new shared use links will be provided from Chapels (with a non-signalised pedestrian crossing) to access the closed-off section of the former A595. A highway drainage attenuation basin will also be created.

### **2. Pen Hill Cutting and New Road**

This feature, cut into the side of Pen Hill, will take the new A595 east of the properties at Dove Bank. The level of the new road at this location behind the properties, will be set in a false cutting in order to reduce the visual and noise impacts on Dove Bank cottages. The speed limit will be returned to the national limit

soon after entering the cutting. The new road continues due north when leaving the cutting crossing Grize Beck west of the village.

**3. New Bridge**

This new bridge will carry a road link from the Grizebeck village centre to the old A595 over the new road and will be for local access only with no direct connection to the new A595. A new highway drainage attenuation basin will be created adjacent to it.

**4. A595/A5092 Junction**

This new junction will be created west of the existing Grizebeck junction. Features of the junction arrangement will include a right-turn lane added to the A5092 for A595 traffic to Barrow-in-Furness, widening of a section of the existing road to facilitate safer property access, a traffic island to restrict unsafe overtaking and the widening of Ellermire Bridge.

Direct access to Grizebeck village will be retained using the existing junction with a new non-signalised pedestrian crossing with refuge island on the A5092. A reduced 40mph speed limit is proposed along an existing stretch of the A595/A5092 either side of the new junction and on the A595 approach to the junction itself. A new highway drainage attenuation basin will also be created.

**5. Bank End Junction Closed (to vehicular traffic)**

The existing A595 junction at Bank End, will be closed to vehicular through traffic. The introduction of a Traffic Regulation Order (“TRO”) on this section of road known locally as the ‘Mousetrap’ would be subject to the necessary consultations and reporting processes. Subject to completion of those procedures and the introduction of an Order, the route would continue to be a highway for use by all non-motorised traffic. A vehicular turning head would be provided at Bank End Farm for any vehicular traffic which fails to adhere to proposed traffic signs giving effect to there being no through route.

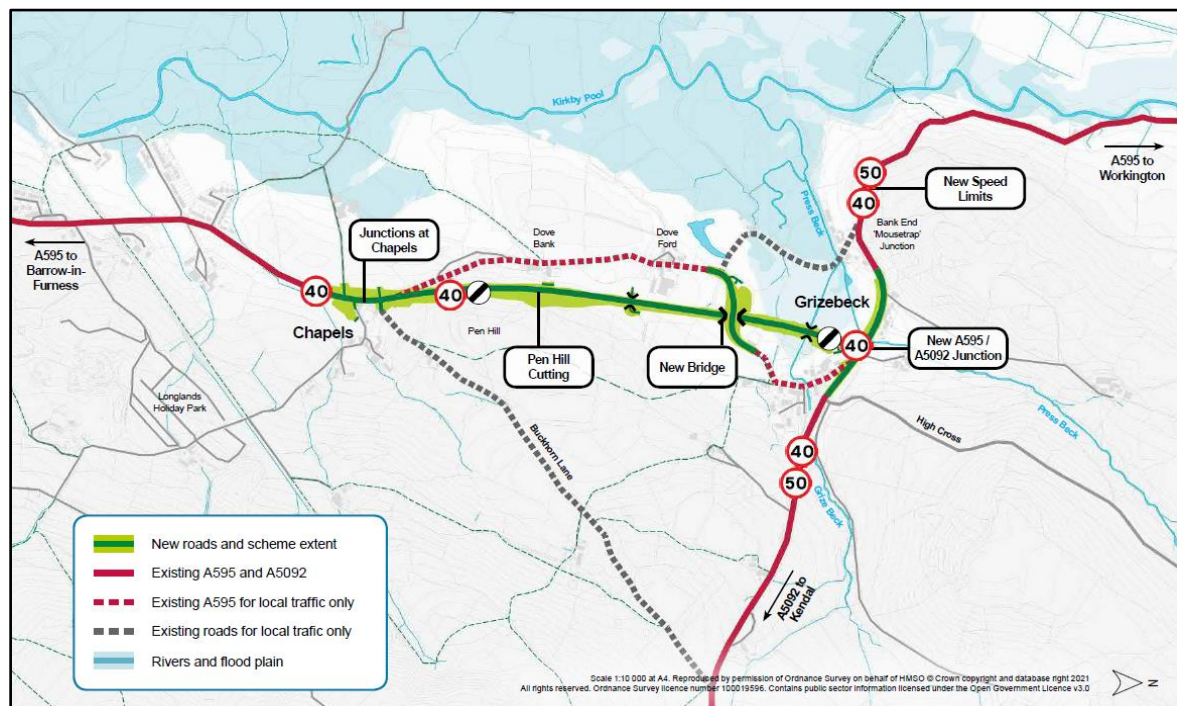


Figure 12: Key Elements of Grizebeck Scheme as Presented to Public

- 9.10.3 It was critical to give the public the opportunity to speak to, and directly question, the design team, and therefore consideration was given to ways in which face-to-face meetings could be replaced whilst COVID-19 restrictions were in place. The option to hold virtual Question and Answer events via Microsoft Teams was chosen. The pandemic had encouraged people to communicate more through this type of media, so it was thought a larger proportion would have been able to participate and be comfortable about using Microsoft Teams.
- 9.10.4 These events were held on the following dates:
- Wednesday 23<sup>rd</sup> June 2021, between 2:00pm and 3:30pm;
  - Wednesday 30<sup>th</sup> June 2021, between 6:00pm and 7:30pm; and
  - Saturday 10<sup>th</sup> July 2021, between 1:00pm and 2:30pm.
- 9.10.5 All these events included a presentation on the Grizebeck Scheme, including a 3D flythrough video, followed by a question and answer session.
- 9.10.6 These events were attended by both staff from the Council and the technical design consultants to help attendees by providing further information and to answer questions.
- 9.10.7 Three further virtual consultation events were held for specific interest groups and the local Parish Council:
- Wednesday 16<sup>th</sup> June 2021 – Kirkby Ireleth Parish Council;
  - Thursday 17<sup>th</sup> June 2021 – A595 Action Group; and
  - Thursday 17<sup>th</sup> June 2021 – Grizebeck Road Safety Group.
- 9.10.8 Although the usual extent of face-to-face interaction with the public could not be achieved there were no restrictions on the other key elements that contributed to the overall consultation package.
- 9.10.9 The project had its own dedicated webpage on CCC’s website ([www.cumbria.gov.uk/a595grizebeck](http://www.cumbria.gov.uk/a595grizebeck)) where people could give their feedback. Feedback could be given directly via a link on the webpage to an online survey CCC had designed using



the proprietary SurveyMonkey software. The website also contained the consultation document and feedback form, plus further details on the project and its development including computer generated images of key sections of the route and a series of video clips of the 3D computer generated model 'flythrough'. In addition, there was also a link to a dedicated email address to which comments could be sent to if preferred or requests made for a hard copy of the consultation document.

- 9.10.10 Printed copies of the document and feedback form were distributed directly to local residents. The information was sent to all residential and business addresses within a 250m radius of the route plus all affected landowners. They were all posted via the Royal Mail and could be returned freepost to the Council.
- 9.10.11 The consultation exercise found that there was a general satisfaction with the Grizebeck Scheme as a whole. When asked to assess the Scheme in its entirety, 55% of respondents either 'support' or 'strongly support' the Grizebeck Scheme.
- 9.10.12 The key element with the highest satisfaction rating was the Pen Hill Cutting which had 70% of respondents being either 'satisfied' or 'very satisfied'. It also had the corresponding lowest dissatisfaction rating of all the elements with 12% of respondents being either 'dissatisfied' or 'very dissatisfied'.
- 9.10.13 The works around Chapels hamlet and the proposal to close the Mousetrap junction as a vehicular through route also received a high degree of support. This amounted to 65% of respondents being 'satisfied' or 'very satisfied' for both elements. There was a slightly higher proportion of people 'dissatisfied' or 'very dissatisfied' with the Mousetrap proposal (24%) than the Chapels junction (20%).
- 9.10.14 The new bridge similarly received a high degree of support with 61% of respondents either 'satisfied' or 'very satisfied' with this element of the Scheme, compared to 23% who were either 'dissatisfied' or 'very dissatisfied'.
- 9.10.15 The element with the lowest level of support was the proposed new A595/A5092 junction. The level of respondents either 'dissatisfied' or 'very dissatisfied' totalled 58%, compared to 39% who were either 'satisfied' or 'very satisfied' and 3% who had 'no opinion'. These scores likely stemmed from the large proportion of respondents being from the Grizebeck village and immediate surrounding area who frequently raised their perceived safety concerns regarding the existing A595/A5092 junction. Prior to the design submitted in the planning application being adopted, the technical aspects of the highway layout were subject to a Stage 1 Road Safety Audit, the findings from which led to a small number of design changes in the approaches to and layout of the new junction. Further road safety audits will be carried out as the scheme progresses including a Stage 3 Road Safety Audit on completion. This process will ensure that all aspects of safety for all users are fully assessed and considered.
- 9.10.16 When assessing other elements of the Grizebeck Scheme, the speed limit proposals received the lowest level of support. This amounted to 63% of respondents being 'dissatisfied' or 'very dissatisfied' and 32% being 'satisfied' or 'very satisfied' with the speed limits.

- 9.10.17 The lowest level of support was shown for the road safety proposals with 56% of respondents being either 'dissatisfied' or 'very dissatisfied'. Within this score, 33% were from respondents expressing that they were 'very dissatisfied' with this element. Of all the issues mentioned in the additional comments of respondents, calls for the proposed speed limits to be reduced and/or an increase in the length of road to be subject to reduced speed limits was the most frequently raised. Again, the high proportion of local respondents with long-running speeding traffic concerns who responded to the consultation will account for the 'road safety' and 'speed limit' scores. Partly in response to the public concern, reduced speed limits were proposed by the Council as highway authority, irrespective of whether or not the Grizebeck Scheme proceeds. This came about as part of a 2018 review, whereby the current speed limits along the section of A595 and A5092 past Grizebeck and on the east and west approaches to this section are all proposed to be reduced in Autumn 2022. Post-consultation changes were also made to the A595/A5092 junction arrangements at Grizebeck to operate on a one-way anti-clockwise basis thereby simplifying the number of priority junctions to improve safety. Calls for the proposed T junction to be amended to a roundabout were considered but viewed as inappropriate for design reasons, the additional land required and also the higher level of adverse impact on the local environment. Two additional pedestrian crossings were also incorporated into the scheme – one at Chapels, the other at Grizebeck – to provide safer crossing points for pedestrians.
- 9.10.18 Respondents showed a high level of support for the 'local connections' and 'pedestrian, cycling and horse-riding' proposals, with 59% and 58% of respondents either 'satisfied' or 'very satisfied' respectively.
- 9.10.19 The landowner and resident access proposals received general support with 52% of respondents being 'satisfied' or 'very satisfied', compared to 36% being 'dissatisfied' or 'very dissatisfied'.

## **9.11 Post-Consultation Preliminary Design Changes - General**

- 9.11.1 As a result of the comments some design changes were made to address issues raised in the public consultation. The main ones were as follows.
- The arrangement of the junction into Grizebeck at the north end has changed to feature a one-way system, simplifying the number of priority junctions to improve safety.
  - The bus stop facilities at Grizebeck have been improved with the provision of a bus lay-by at the existing bus stop location. The bus stop at Chapels has been relocated approximately 25m south to prevent obstruction of the Chapels junction.
  - Areas of woodland planting around the new bridge and along the boundary of the new road have been identified and included as mitigation for woodland loss, habitat creation and visual screening.
  - The landscape design has been developed to identify the extent of hedges, dry stone walling and planting along the Grizebeck Scheme for visual screening and landscape character.
  - NMU routes have been developed throughout the Scheme to improve facilities and connectivity for NMUs, and to make use of redundant sections of the carriageway.
  - Pedestrian crossing refuge islands have been provided at the north and south ends of the Scheme to provide safer facilities for NMUs crossing the A595.

## **9.12 Post Consultation Preliminary Design Changes - Affected Landowners**

9.12.1 The following changes were made to the Grizebeck Scheme to reduce or remove the direct impact on affected landowners.

- Access - addition of field access routes to ensure access to land is maintained.
- Drainage Attenuation Basins
  - The basin north-west of the new over bridge has been moved north-east of the over bridge. This will ensure the field west of the over bridge is retained. The drainage strategy identified that the relocated basin would not be big enough to meet requirements, therefore a secondary basin has been added south-west of the new over bridge. Access to this basin would be via the section of former A595 being removed.
  - The basin at the northern extent of the Grizebeck Scheme in the field east of the new road and south of the existing A595/A5092 and the garage buildings, has been relocated to west of the road to reduce impact on this property.

## **9.13 Planning Consultation – March/April 2022**

9.13.1 Following the submission of the planning application for the Grizebeck Scheme in early March 2022, the Council and Lake District National Park Authority as Local Planning Authorities notified all landowners affected by the application and statutory consultees, inviting comments, the deadline for which was mid-April 2022.

9.13.2 In response, a number of landowners whose land the Grizebeck Scheme would be directly impact raised concerns in relation (but not limited) to:

- Arrangements for access into private property are unsafe;
- Proposed new signage will interfere with sightlines when exiting property;
- Detrimental impact on living conditions of headlights, increased noise and air pollution;
- Larger underpass required than proposed; and
- Amendments needed to existing field boundaries outside of Grizebeck Scheme boundary.

9.13.3 The planning authorities' consultation on the planning applications for the Grizebeck Scheme also sought responses from statutory consultees. Comments received from infrastructure provider consultees were primarily focused on the potential effects of the Grizebeck Scheme on those statutory undertakers' existing apparatus. The responses received from some of the other key statutory consultees are summarised as follows:

- National Highways – no objection;
- Historic England – no objection; recommendation made for planning conditions;
- Natural England – no objection;
- Environment Agency – no objection; recommendations made for planning conditions;
- Kirkby Ireleth Parish Council – no objection; supportive of the Grizebeck Scheme;
- Local Highway Authority – no objection; recommendations made for planning conditions;
- Lead Local Flood Authority – no objection; recommendations made for planning

conditions;

- Department for Levelling Up, Housing and Communities – no comment on Environmental Statement;
- TfN - no objection; supportive of the Grizebeck Scheme;
- Lake District National Park Authority – no objection;
- South Lakeland District Council - no objection; and
- Cumbria Fire Service – no objection.

9.13.4 Other comments received necessitated the need for additional clarification to be provided on the content of the planning application. However, there were no formal requests for further additional information from either local planning authority. The Council as applicant responded to all comments received, with a view to addressing any concerns raised, insofar as it was reasonable and practicable so to do.

## 10. Negotiations with Landowners

- 10.1.1 The Council has actively engaged or sought to engage with all known freehold owners, lessees, tenants and occupiers of the CPO Land on an individual basis throughout the scheme development process to date. As part of the land assembly process to deliver the Grizebeck Scheme this will continue to be an ongoing process.
- 10.1.2 In Autumn 2022, and subject to the outcome of a reporting process to the Council's Executive, the Council will look to commence formal negotiations with all individual land interests affected by the scheme. Those land interests would be formally invited to enter into discussions and negotiations with the Council with a view to agreeing terms for the acquisition of their land/interests and the new rights required by agreement. Where appropriate and relevant, such discussions and negotiations would include consideration of the temporary use/possession of land by the use of licences for this purpose.
- 10.1.3 The details of all scheme related communications and dialogue to date with landowners directly affected by the Grizebeck Scheme are set out in Table 3 of this Statement.
- 10.1.4 These discussions and negotiations (subject to approval) will continue wherever possible, hopefully limiting the number of land interests over which compulsory purchase powers will need to be exercised. Such discussions will help maintain and reinforce the established relationships with landowners and also help inform the mitigation measures in the form of proposed accommodation works. Maintaining communication throughout and after the construction phase will also help ensure farm businesses can remain operational at all times throughout the construction phase and allow any compensation discussions to take place.
- 10.1.5 However, given the Council's need to deliver the Grizebeck Scheme within a specified timescale and given the number of interests required and the status of negotiations, the Council has concluded it is highly unlikely it will be able to deliver the Grizebeck Scheme within this timescale without the CPO. In addition, some plots are in unknown ownership (see below) and therefore cannot be acquired by agreement; in these cases, proceeding by way of compulsory purchase is the only route open to the Council.

### 10.2 Land in Unknown Ownership

- 10.2.1 As mentioned previously, there are a number of plots included in the CPO which are in unknown ownership, namely: plots 1/13a to 1/13h inclusive and 2/13a to 2/13i inclusive. These plots are almost all existing highway but there is also a small number of plots which include existing watercourses.
- 10.2.2 To date, sustained efforts have been made to carry out diligent inquiry with the aim of ascertaining the ownership position in relation to these plots. This work will continue and where enquiries have been made but have not received a response, further investigations will continue to be made.
- 10.2.3 Diligent inquiry to date includes the following:
- HM Land Registry searches;
  - the service of requisitions for information by way of notices served under section 297 of the Highways Act 1980 and section 330 of the Town and Country Planning Act 1990 on the identified owners of land affected by the Grizebeck Scheme (to help confirm the extent of land in unknown ownership and any details about it);

- enquiries made with adjacent landowners (via land agents where relevant);
- use of local knowledge and enquiries made with the Parish Council; and
- visits to site, with a view to ascertaining evidence of the identity of the occupier(s) of the land in question.

### **10.3 Council owned Land subject to Third Party Rights**

10.3.1 As set out in Section 14 the CPO has been made pursuant to Section 260 of the Highways Act 1980 (amongst other powers) to override the effects of any restrictive covenants and other third party rights that may exist over Council owned land. Council owned land that is potentially encumbered has therefore been included in the CPO.

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

# 11. Mineral Interests

## 11.1 Mines and Mineral Interests

- 11.1.1 Where the freehold title of land which is proposed to be affected by the Grizebeck Scheme is silent on the ownership of minerals interests, a presumption has been made that the owner of the minerals interests is one and the same as the freehold title land interest. Where minerals ownership is referenced in the freehold title of the CPO Land or there is a registered caution or qualification to that effect, the minerals interests affected by the Grizebeck Scheme are in the ownership of the Holker Estates Company Limited. Where the CPO Land is not registered, the minerals ownership has been treated as unknown.
- 11.1.2 The CPO does not incorporate the mining code and as a consequence, will enable the Council to purchase all minerals interests compulsorily, in the event that they cannot be acquired by agreement.
- 11.1.3 The ability to acquire all such minerals interests is necessary due to the likelihood of the Grizebeck Scheme works interfering with the minerals interests (otherwise resulting in trespass).
- 11.1.4 The Council's position and approach on mineral interests is supported by the Council's external adviser, Savills, who has prepared a Minerals Appraisal Report and has advised:
- The underlying geology of the CPO Land is dominated by bedrock deposits of sandstone with subordinate siltstone and mudstone
  - The bedrock deposits are overlain by superficial deposits of till including a localised area of marine deposits of sand and gravel at the northern end of the Scheme
  - Minerals development is highly unlikely
  - No realistic opportunity exists for commercial development of any viable minerals extraction in the CPO Land
  - A nominal value is attached to minerals within the CPO Land
- 11.1.5 With no current or anticipated future underground working of any minerals within the CPO Land, the conclusion by Savills was that the future development of any minerals in the area of the Scheme was highly unlikely. In addition, there was considered to be no realistic opportunity for any commercial development of minerals. For these reasons and based on the report received, a decision has been made by the Council not to incorporate the mining code in the CPO. As a result, and subject to any CPO being confirmed by the Secretary of State, the Council would acquire all minerals interests in the land acquired pursuant to the CPO.

## **12 Special Considerations and Special Category Land**

### **12.1 Protected Assets**

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

### **12.2 Ecclesiastical Property / Consecrated Land**

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

12.2.2

### **12.3 Special Kinds of Land**

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

### **12.4 Crown Land**

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

### **12.5 Statutory Undertakers and Statutory Bodies**

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

#### **Land**

- 12.5.2 National Highways Limited are the freehold owner of land on the A595 and A5092 at the northern end of the Grizebeck Scheme. This is a legacy from when both these routes were trunk roads. Both the routes between Calder Bridge and Greenodd were de-trunked in 2006 but the land ownership remained with National Highways Limited.

- 12.5.3 Those plots of land in the ownership of National Highways Limited and affected by the Grizebeck Scheme are plots 2/9a to 2/9e inclusive. All of the National Highways owned land is viewed as non-operational for the purposes of managing and maintaining a trunk road network. As a result the Council has entered into a dialogue with National Highways Limited about the future of this land in the vicinity of the Scheme. It is anticipated there may be an agreement in principle reached for the voluntary transfer of this land from National Highways Limited to the Council.

- 12.5.4 National Highways is not a statutory undertaker and nor is it a Crown body, but the Council is treating it with due regard given its statutory status as a Strategic Highways Company.



## **Interests and Assets in land**

- 12.5.5 A number of statutory undertakers and telecoms providers have interests in the CPO Land in relation to apparatus; these include United Utilities, Cadent Gas, BT Openreach and Electricity North West.
- 12.5.6 In some cases, this apparatus will need to be relocated and in other instances can remain in-situ subject to protective measures being put in place.
- 12.5.7 All diversions will be contained within the proposed highway boundaries of the Grizebeck Scheme and the CPO Land and will require diversion agreements to be entered into (which will be done during the detailed design stage of the Grizebeck Scheme).
- 12.5.8 In the meantime, however, the Council has placed purchase orders with United Utilities, Cadent Gas, BT Openreach and Electricity North West to allow these statutory undertakers and telecoms operators to commence the design of their required diversionary work.
- 12.5.9 Purchase orders will continue to be placed with the remaining affected undertakers/providers and the Council will continue to liaise with all affected undertakers/providers as the Grizebeck Scheme design process progresses.
- 12.5.10 The Council is confident that all diversion agreements will be entered into by the necessary time, such that the presence of statutory undertaker and telecoms interests and apparatus is not considered to be an impediment to the Grizebeck Scheme proceeding.

## **12.6 Summary/Conclusion**

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

## 13. Compatibility with European Convention on Human Rights

### 13.1 Human Rights

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

#### **Relevant Articles**

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

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

#### **Duties of Decision Maker**

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

#### **Potential Infringement of Convention Rights**

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

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

### **Compliance with the Convention and the Human Rights Act 1998**

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

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

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

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

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

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

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

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

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

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

### **Conclusion**

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

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

13.1.21 For the reasons set out above, any infringement of the Convention Rights of those whose interests are affected by the Orders is considered by the Council to be proportionate and

legitimate and in accordance with domestic and European law.

13.1.22 Accordingly, the Council considers that there is a compelling case in the public interest for the CPO to be made and confirmed. The Council considers that it would, therefore, be appropriate, proportionate and legitimate for the Secretary of State for Transport to confirm the Orders.

## **13.2 Public Sector Equality Duty**

13.2.1 The Council is aware of the Public Sector Equality Duty (“**PSED**”) set out in section 149 of the Equality Act 2010.

13.2.2 Section 149 states that a public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by or under the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

13.2.3 The relevant protected characteristics for the purposes of the PSED are listed in section 149(7) of the Equality Act 2010 and are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

13.2.4 The Equality Act 2010 explains that having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

13.2.5 During the development of the Grizebeck Scheme and the preparation of the Orders, the Council has had regard to the PSED and, having regard to its statutory duties under the Equality Act

2010, has carried out an Equalities Impact Assessment (“**EqIA**”).

- 13.2.6 The EqIA is an ongoing process. Stage 1 comprised a screening exercise which sought to establish whether the impacts of the Grizebeck Scheme on persons with protected characteristics would give rise to the need for any new or amended Council policies or practices. The screening exercise was based on the then Highways England’s Equality, Diversity and Inclusion sifting tool (‘EDIT’) and on the Council’s data for the county district of South Lakeland which comprises statistics from a number of different sources, including the Office for National Statistics, Public Health England and the 2011 Census (presented in Appendix 1 to the EqIA as the draft ‘South Lakeland District Equality Profile 2019’).
- 13.2.7 Stage 2 of the EqIA assessed the level of impact of the Grizebeck Scheme on protected characteristic groups, in the context of the PSED objectives to which the Council must have regard in carrying out its statutory functions. The Stage 2 EqIA identified that the Grizebeck Scheme would, during its construction and operational phases, have ‘neutral’ impacts on the majority of protected characteristics groups. In relation to the protected characteristic groups for age, disability and pregnancy and maternity, there could potentially be negative impacts either during the construction or the operation of the Grizebeck Scheme but these are considered to be outweighed by the wider benefits the scheme will introduce. In the EqIA, it states any negative impacts identified could be mitigated further in some cases through the detailed design process, details of which are provided in Chapter 7 of the EqIA. These would be considered and developed initially through Stage 3 of the EqIA – action planning and monitoring which has still to get underway as part of the next stage of design.
- 13.2.8 In addition to the EqIA, as part of the development of the proposals for the Grizebeck Scheme, a number of documents were prepared and submitted as part of the planning application. These include a Design and Access Statement, a Socio-Economic Assessment and a Walking, Cycling and Horse Riding Review. Whilst none of these documents have any direct relevance to the EqIA, they do nonetheless contribute to the overall approach reflected in the design of the scheme proposals. As a result, the overall assessment together with the proposed Stage 3 Action Plan and monitoring proposals as documented in the EqIA will ensure there are no differential impacts of the Grizebeck Scheme for different social groups.
- 13.2.9 In formulating and promoting the Orders, the Council has had full regard to its statutory duties and obligations under the Equality Act 2010 and in particular, to its obligations in sections 149 and 150 of the 2010 Act, in taking into account the differential impact the Orders will have on persons with protected characteristics. Whilst it is recognised that the Grizebeck Scheme will have impacts on a range of land and property interests it was found that any impacts it might have on protected characteristics groups could be addressed through mitigation and monitoring.
- 13.2.10 The impact of the Grizebeck Scheme will continue to be monitored and reviewed throughout the promotion and implementation of the Orders to ensure that any impact can be considered and mitigated as necessary.

## **14. Justification for the Compulsory Purchase Order**

### **14.1 Authority to make the CPO**

14.1.1 On 13 October 2022, the Council resolved to make the CPO for the Grizebeck Scheme.

14.1.2 On [ ] 2022, the CPO was made by the Council in accordance with such authorisation.

### **14.2 CPO Enabling Powers**

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

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

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

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

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

### 14.3 Compelling Case in the Public Interest

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

- 14.3.1 The CPO includes a number of land interests and rights that are necessary to construct, operate and maintain the Grizebeck Scheme.
- 14.3.2 As set out in Section 2 of this Statement, the Grizebeck Scheme is required to deliver three primary objectives:
- Improve the Major Road Network;
  - Support economic growth; and
  - Reduce the impact of the A595 on severance, and improve connectivity in and around Grizebeck.
- 14.3.3 In achieving these objectives, the Council considers that the Grizebeck Scheme would make a significant contribution towards the social, economic and environmental wellbeing of South Lakeland and Barrow as well as the wider sub-region of Cumbria. The Grizebeck Scheme is also viewed as being the most appropriate transport solution to the needs and growth ambitions of the area.
- 14.3.4 As set out in Section 6 of this Statement, construction of the Grizebeck Scheme is programmed to start in Spring 2024 with the new road being completed and open to traffic by Summer/Autumn 2025. This programme is important to the economic development and sustainability of the sub-region and is supported by local planning policies and economic development strategies.
- 14.3.5 A significant amount of work and expense (including scheme design development, the carrying out of an Environmental Impact Assessment, the preparation of the Orders and the procurement of various consultants) has been undertaken and incurred to date (and continues to be undertaken and incurred) on the basis of these timings. The confirmation of the Orders in the second half of 2023 is vital to ensure that the programme can be met.
- 14.3.6 Furthermore, the Grizebeck Scheme needs to be delivered fully in order that it can achieve the objectives. Piecemeal development would not deliver the desired outcomes. Only delivering the full Grizebeck Scheme will allow the purposes to be fully realised. Without the confirmation of the CPO, the Grizebeck Scheme would be unlikely to go ahead as there would be limited scope to deliver an alternative solution in a timely manner.
- 14.3.7 In addition, and importantly, the CPO is required to assemble various plots of land in unknown ownership, for which there is no other option than compulsory acquisition.
- 14.3.8 As explained in Section 13 above, the Council has considered the negative effects that its pursuance of compulsory purchase powers would have upon those with an interest in the land required for the Grizebeck Scheme, and has weighed those private losses against the benefits that the Scheme would bring.
- 14.3.9 Having carried out that balancing exercise, the Council believes that the public benefits would outweigh the private losses and that, on that basis, there is a clear and compelling case in the public interest which would justify the use of compulsory purchase powers. As such, the



Council considers that the tests in paragraphs 2 and 12 of the CPO Guidance – which state that a compulsory purchase order should only be made where there is a compelling case in the public interest – are met.

#### **14.4 How the Council intends to use the CPO Land** *"If an acquiring authority does not:*

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

##### 14.4.1 The CPO includes both:

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

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

14.4.3 The CPO Land includes a number of plots which have been included to create three distinct and separate landscape and habitat mitigation areas. These are the plots 2/1d, 2/2f, 2/3b, 2/4e and 2/13h which are in different land ownerships, together with a small area of land in unknown ownership. The creation of these habitat mitigation areas follows from the development of an Environmental Statement submitted with the planning application for the Grizebeck scheme. The Environmental Statement recognised the loss in existing habitats and the fragmentation of natural species corridors from lost or severed hedgerows and woodland. The creation of the habitat mitigation areas to the west of the new road alignment at the northern end of the scheme would therefore provide compensatory habitats creating new replacement native grassland, scrub, plantations and improved crossing points for wildlife.

14.4.4 In addition to the creation of habitat mitigation areas, the CPO Land also includes an area identified for the creation of a wildlife corridor and a crossing point under the new road on land immediately east of the new road alignment at the Chapels end of the scheme. This has been included following surveys and confirmation of the movement of mammals locally to the area. Plots 2/1c and 2/8b are also included in the CPO Land for the creation of a new drainage attenuation basin on land adjacent to the Grizebeck Village Hall. This presents an opportunity to create a local amenity asset for the community in close proximity to the village hall.

14.4.5 For the purposes of mitigating any adverse impacts on biodiversity as a result of the Grizebeck Scheme, the land included in the CPO for this purpose has all been included to reflect the needs and commitments given in the Environmental Statement. They are also expected to be part of the planning conditions to be discharged if planning consent for the scheme is granted.

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

14.4.7 A number of plots are only required on a temporary basis e.g. for working space, or for construction-related purposes; however, where this is the case, the land has been included in the CPO (with the effect being that it would be acquired). This approach is a contingency measure, to be deployed in the event that temporary use of the land cannot be secured by agreement, and noting that, although such land is not required by the Council in perpetuity,

there are currently no statutory powers which would enable the Council to take only temporary possession of land for the purposes of constructing the Grizebeck Scheme.

- 14.4.8 Following construction of the Grizebeck Scheme, if the Council disposes of any land which was acquired permanently but required only for the construction period, it will do so in accordance with the Crichel Down Rules (which are set out in the CPO Guidance) At the time of writing, the Council fully intends to dispose of all land included in the CPO but lying beyond the future highway boundary. The design and configuration of plots in the CPO has been formulated on this basis.
- 14.4.9 The Council also has a clear idea of how it intends to use all the land included in the CPO. This is set out on a plot by plot basis in **Appendix 2** to this Statement.
- 14.4.10 As such, the Council considers that the tests in paragraph 13 of the CPO Guidance – which require an acquiring authority to have a clear idea of how it intends to use the land which it is proposing to acquire – are met.

## **14.5 Planning Policy Support**

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

- 14.5.1 As set out in Section 3 of this Statement, the Grizebeck Scheme is fully aligned with, supported by and compliant with all relevant planning policy.
- 14.5.2 In particular, the Grizebeck Scheme proposal is consistent with all the relevant local plans produced by the local and neighbouring authorities. It is also supported by key strategic growth and employment policies and strategies, including the transport, infrastructure and economic policies for the area. The Grizebeck Scheme is also closely aligned with the NPPF, particularly with those NPPF policies relating to economic growth and productivity. It is also supported by the Cumbria Transport Plan sub-regional transport objectives.
- 14.5.4 The Council has had regard to the tests in paragraph 104 of the CPO Guidance. These tests are considered to be relevant to the CPO (notwithstanding its being made under the Highways Act 1980) in that they require an acquiring authority's land assembly programme to be set within a clear strategic planning framework, to demonstrate the unlikelihood of future impediments to implementation of the scheme. The Council considers that, in the case of the Grizebeck Scheme, these tests are met.

## **14.6 Alternatives**

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

- 14.6.1 As set out in Section 8 of this Statement, and following early consideration of a long list of potential options, there were only two alternative route options for the Grizebeck Scheme that were considered as being deliverable. The selection of the preferred route (the current Grizebeck Scheme and which was based on the Blue route) was completed following significant development and assessment work, including stakeholder and public consultations and input.
- 14.6.2 It was clear from this optioneering process that the Blue route presented the optimal solution for achieving the purposes and benefits which are embedded in the objectives of the Grizebeck Scheme.
- 14.6.3 As such, the Council considers that the test in paragraph 106 of the CPO Guidance – which requires an acquiring authority to consider the appropriateness of alternatives – is met.

## 14.7 Funding and Viability

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

- a) *sources of funding ... [and]*
- b) *timing of that funding ...*

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

- 14.7.1 As set out in Section 5 of this Statement, the Grizebeck Scheme is currently expected to cost £23.292 million on the basis of a preliminary design standard including (amongst other things) all land assembly costs (including blight).
- 14.7.2 An Outline Business Case (OBC) requesting £12.718 million was submitted to the Department for Transport (DfT) in April 2019. A Full Business Case (FBC) requesting £2.24 million was submitted to Cumbria Local Enterprise Partnership (CLEP) in April 2020.
- 14.7.3 The DfT approved the scheme to Programme Entry for the Major Road Network (MRN) programme on 27th October 2020.
- 14.7.4 The CLEP approved the award of £2.24 million on 10th November 2020.
- 14.7.5 CLEP funding is being used to develop the design for the planning application, and land purchase until the DfT funding ( £12.718 million) becomes available after the DfT Full Business Case (FBC) has been submitted and approved in Autumn 2023.
- 14.7.6 The Council therefore has full confidence that all necessary funding will be available for the Grizebeck Scheme to proceed at the necessary time. As such, the test in paragraph 14 of the CPO Guidance is met.

## 14.8 Last Resort

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

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

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

- 14.8.1 As set out in Section 10 of this Statement, the Council is fully committed to purchasing the land and new rights contained in the CPO by agreement. Details of the discussions and negotiations that the Council has had with landowners to date are set out in **Appendix 3** to this Statement.
- 14.8.2 However, given the Council's need to deliver the Grizebeck Scheme within a specified

timescale and given the number of interests in the land required and the possibility that acquisition of all of those interests by agreement may not be possible within the requisite timescale, the Council has concluded that it is highly unlikely that it will be able to deliver the Grizebeck Scheme within this timescale without a CPO. It is in this context that the Council contemplates the use of compulsory acquisition powers as a contingency measure, to ensure the delivery of the Grizebeck Scheme.

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

## 14.9 Impediments to the Grizebeck Scheme going ahead

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

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

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

- 14.9.1 As set out in Section 4 of this Statement, a planning application for the Grizebeck Scheme was submitted by the Council in February 2022 with permission expected to be granted in Autumn 2022, following consideration by the Council's Development Control and Regulation Committee as well as the Lake District National Park Authority's Development Control Committee. Discharge consents, ecological consents and waste management licences will then be applied for during the detailed design stage of the Grizebeck Scheme; however, these are not considered potential impediments to the implementation of the Grizebeck Scheme for the reasons set out in that Section.
- 14.9.2 As set out in Section 5 (and Section 14.7 above), the Council has full confidence that all necessary funding will be available for the Grizebeck Scheme to proceed at the necessary time.
- 14.9.3 As set out in Section 16, a number of temporary and permanent Traffic Regulation Orders ("TROs") will likely be required during the construction and operation periods of the Grizebeck Scheme. However, the Council or any future successor Council, as the Highway Authority does not foresee anything that would prevent or hinder such TROs being made. The need for these TROs is simply a consequence of delivering the new road scheme.
- 14.9.4 As set out throughout this Statement and more particularly in Section 15, the SRO is required in order to permit works to other highways. However, the need for this is not considered an impediment given all statutory requirements and tests have either been complied with or departures justified. Furthermore, the Orders are being promoted alongside each other and it is anticipated that they would be considered together, at the same public inquiry.

14.9.5 Subject to confirmation of the Orders, the Council therefore remains confident that the Grizebeck Scheme will not be blocked by any legal or physical impediment to implementation.

## **14.10 Human Rights and Equalities**

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

14.10.1 The Council’s consideration of human rights and equalities is set out in full in Section 13 of this Statement.

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

14.10.3 As such, the Council considers that the tests in paragraph 12 of the CPO Guidance are met.

## **14.11 Conclusion**

14.11.1 This Statement makes clear why the Orders are being promoted and explains why the Council considers compulsory purchase powers to be necessary, proportionate, justified and to strike an appropriate balance between public and private interests.

14.11.2 It demonstrates there is a compelling case in the public interest based around the delivery of three primary objectives for the Grizebeck Scheme. For the reasons set out above, the Council considers that without the confirmation of the Orders, it will not be possible to construct the Grizebeck Scheme, or to realise the public benefits that would arise from it.

14.11.3 In determining the extent of the CPO Land, the Council has had regard to the requirements of the relevant legislation and to the advice set out in the CPO Guidance. The purpose for which each plot of land is required has been clearly set out and there are compelling reasons for the powers to be sought at this time.

- 14.11.4 The Council considers it has established that the Grizebeck Scheme is a viable project and that the funding is in place to progress its development alongside strong Government, agency, stakeholder and public support.
- 14.11.5 The Council has actively engaged or sought to engage with all known freehold owners, lessees, tenants and occupiers of the CPO Land throughout the development process and all such discussions and negotiations will continue wherever possible, thus hopefully limiting the number of interests over which compulsorily purchase powers will need to be exercised. The reason for bringing forward the CPO at this stage is to provide certainty, to ensure that the Council can deliver the Grizebeck Scheme; the arguments in support of this approach have been clearly laid out in this Statement and are considered to be fully justified.
- 14.11.6 The Council is satisfied that there are no expected physical or legal impediments to the Grizebeck Scheme proceeding.
- 14.11.7 As noted in Section 13, the promotion of the Orders is not considered to impact on any specific equality issues.
- 14.11.8 The Council has considered the human rights of the individuals affected by the Orders. It is satisfied that there is a compelling case in the public interest for the Orders to be made and confirmed, and that the public benefits arising from the Grizebeck Scheme would outweigh any related harm. The Council is therefore confident that there is no reason why the Orders should not be confirmed.

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

### **15.1 Authority to make the SRO**

15.1.1 On 13 October 2022, the Council resolved to make the SRO for the Grizebeck Scheme. On [ ] 2022 the SRO was made by the Council in accordance with such authorisation. The SRO was made and sealed prior to the making and sealing of the CPO. This is because the CPO is reliant on the SRO to enable the Grizebeck Scheme to be delivered.

15.1.2 As explained in Section 1.1.6, the Council, in preparing and making the SRO, has also had regard to the advice contained in the Department of Transport Circular 1/97 "Highways Act 1980: Orders Under Section 14 of the Highways Act 1980 and Opposed Orders Under Section 124 of that Act".

### **15.2 SRO Enabling Powers**

15.2.1 The SRO, if confirmed by the Secretary of State for Transport, will provide for the stopping up and improvement of highways which connect with the new classified road to be delivered as part of the Grizebeck Scheme, for the construction of new highways, the stopping up of private means of access to premises, the provision of new means of access to them, where required, and other associated works, including alterations to PRowS.

15.2.2 The SRO defines the classified road as "the highway which the Council proposes to construct from the A595 at Chapels hamlet northwards to the A595/A5092 junction in Grizebeck village for a distance of 1.4km, and which is a proposed highway which is a classified road in accordance with Section 12 of the Highways Act 1980".

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

- Section 14 – An order under this section in relation to a trunk road or a classified road, not being in either case a special road, may authorise the highway authority for any of the following purposes:
  - to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the road or is or will be otherwise affected by the construction or improvement of the road;
  - to construct a new highway for purposes concerned with any such alteration as aforesaid or for any other purpose connected with the road or its construction and to close after such period as may be specified in the order any new highway so constructed for temporary purposes; and
  - for any other purpose incidental to the above purposes.
- Section 125 - An order made by the Council under Section 14 (a side roads order) may authorise the Council to:



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

### **15.3 Need and Justification for the SRO**

15.3.1 Any failure to confirm the SRO would prevent the necessary changes being made to the local highway network to enable the implementation and delivery of the Grizebeck Scheme. The SRO is, therefore, integral to the ability to deliver the Grizebeck Scheme and to ensure the consequent benefits.

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

#### **Section 14(6)**

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

15.3.4 There is one instance where the highway is to be stopped up pursuant to the SRO and no alternative is to be provided. This is for a length of the Bridleway No. 539046 at its junction with the A595 westwards for a distance of 30 metres. At this point the A595 will be widened and the existing bridleway will connect directly with the widened A595 in the same way as it does at present. Accordingly, although the stopped up length of bridleway is not proposed to be directly replaced, this is because no replacement will be necessary with the scheme in place..

#### **Section 125(3)**

15.3.5 Under this Section no order authorising the stopping up of a means of access to premises shall be made or confirmed by the Minister unless he is satisfied that no access to the premises is reasonably required or that another reasonably convenient means of access to the premises is available or will be provided.

15.3.6 Where any private means of access is to be stopped up pursuant to the SRO, it is the case that either no replacement access to the premises is reasonably required, or, that another reasonably convenient route is already available or will be provided by the Grizebeck Scheme. This is explained on a case by case basis within the relevant paragraphs below. In all cases therefore, the statutory test is met.

### **15.4 Details of the SRO**

15.4.1 The SRO works are detailed in Schedules 1 and 2 of the SRO and shown diagrammatically on the two SRO Site Plans numbered 'Site Plan 1 of 2' and 'Site Plan 2 of 2' respectively, contained in the plan folio marked "The Cumbria County Council (A595 (Grizebeck Improvement) Classified Road) (Side Roads and Other Works) Order 2022". The following descriptions should be read in conjunction with Schedules 1 and 2 in the SRO and the SRO Site Plans 1 of 2 and 2 of 2 respectively.

- 15.4.2 The SRO, if confirmed by the Secretary of State for Transport, will authorise the Council to:
- Improve the lengths of highway named in the Schedules and shown on the corresponding Site Plan by cross hatching;
  - Stop up each length of highway described in the Schedules and shown on the corresponding Site Plan by zebra hatching;
  - Construct a new highway along each route whose centreline is shown by an unbroken black line surrounded by stipple;
  - Stop up each private means of access to premises described in the Schedules and shown on the corresponding Site Plan by a solid black band; and
  - Provide new private means of access to premises at each location shown on a Site Plan by thin diagonal hatching.
- 15.4.3 The proposed arrangements included in the SRO are detailed below. In the following descriptions capital letters (e.g. 'A') refer to lengths of new highway, which will be a road unless the word "bridleway" appears alongside its reference number in Schedules 1 and 2 to the SRO; numbers (e.g. '1') refer to new private means of access, and numbers preceded by a capital X (e.g. 'X1') refer to private means of access to be stopped up. Highways to be improved and highways to be stopped up do not have a reference but are described in both the Schedules 1 and 2 to the SRO.
- 15.4.4 Any improvements to the existing highway network may result in the loss, replacement, or renewal of, or additions to existing assets within the public highway; these are, but are not limited to, drainage (including basins), road lighting, signage, traffic signal apparatus, kerb alignment (horizontal and vertical), paved areas including footpaths or footways, cycle tracks and the pavement, verge areas and soft landscaping. The changes required will be dependent upon the detailed design requirements and layout at each section of the highway. The areas of highway to be improved shown on the SRO Site Plans includes the full extent of the public highway, including verge areas where they form part of the highway, unless otherwise stated.
- 15.4.5 Where land is proposed to be acquired for the provision of highway drainage attenuation basins, this will also include the land required to enable the Council to access those basins. The drainage basins and related accesses are shown on both the SRO Site Plans and the accesses required to service such basins have also been referenced/numbered as new private means of access.

## **15.5 Site Plan 1 of 2**

### **Improvements**

- 15.5.1 Improvements are required along the existing A595, C5014 Buckhorn Lane, U5088 Chapels Row and Bridleway No. 539046, all in the vicinity of Chapels hamlet and Dove Bank Cottages. Works are to include:
- A595

- Widening of the A595 adjacent to Chapels hamlet to include the provision of ghost island junctions for the C5014 Buckhorn Lane, the U5088 Chapels Row and for Bridleway No. 539046. Improvements also include the provision of a new highway drainage attenuation basin to the east of the widened A595 and immediately south of the U5088 Chapels Row.
- The provision of new access arrangements into adjacent land and a new vehicle turning head south of Dove Bank House, required to provide a means for vehicles to turn around in consequence of the proposed stopping up of a section of the A595 for a distance of 162m, from a point 183m north westwards of Chapels hamlet to a point 68m south of Dove Bank House.
- C5014 Buckhorn Lane - Alterations to both the northern and southern arms of the existing y-shaped junction arrangement at Chapels hamlet, in consequence of the works to simplify the highway junction layout with the widened A595 and the provision of a ghost island junction.
- U5088 Chapels Row
  - Alterations to facilitate the provision of a ghost island junction with the widened A595.
  - The inclusion of a new private means of access to the proposed highway drainage attenuation basin area and to facilitate drainage improvement works in Chapels hamlet.
- Bridleway No. 539046
  - Alterations to facilitate an improved access at the junction of the bridleway with the widened A595.

### **New Highways**

- 15.5.2 Reference **'A'** – This is a length of new bridleway (which will also be subject to vehicular access rights for the benefit of adjoining land and property). The new bridleway will link the Chapels hamlet to the new A595 pedestrian and cycle facilities and the existing A595 south of Dove Bank House, as shown in Inset 'D' on the Site Plan 1 of 2.
- 15.5.3 Reference **'B'** – This is a length of new bridleway (which will also be subject to vehicular access rights for the benefit of property fronting and adjacent to the new length of highway (bridleway), as shown in Inset 'B' on the Site Plan 1 of 2.
- 15.5.4 Reference **'C'** – This is a length of new bridleway to link the A595 pedestrian and cycling facilities north of Chapels hamlet with the C5014 Buckhorn Lane in Chapels, as shown in Inset 'B' on the Site Plan 1 of 2.

### **Highways to be stopped up and replaced**

- 15.5.5 The A595 between Chapels hamlet and Dove Bank Cottages from a point 51 metres south of the southern property boundary of Dove Bank House, southwards for a distance of 236 metres. New highway reference **'A'** is to be a length of new bridleway, utilising the alignment of the existing road (and subject to vehicular access

rights for adjoining land and property), and this will provide continuity of access on the A595 for pedestrians and cyclists between Chapels hamlet and Dove Bank Cottages, as shown in Inset 'D' on the Site Plan 1 of 2. For new highway reference 'A', vehicular access rights will be restricted to those necessary to manage and maintain the new bridleway including existing statutory undertakers' apparatus.

- 15.5.6 A length of the C5014 Buckthorn Lane from its junction with the A595 at a point 3 metres north of the junction of the U5088 Chapels Row with the A595, for a distance of 57 metres in a north-easterly direction to a point adjoining the northernmost boundary of the residential property known as Crown Cottage (and being the southern arm of the C5014 Buckthorn Lane junction with the A595). The new highway reference 'B' will provide a new bridleway and a replacement vehicular access to property frontages and continuity for cyclists and pedestrians going southwards, as shown in Inset 'B' on the Site Plan 1 of 2. For new highway reference 'B', vehicular access rights will be restricted to those necessary for access to property frontages and to manage and maintain the new bridleway including existing statutory undertakers' apparatus.
- 15.5.7 A length of the C5014 Buckthorn Lane from its junction with the A595 at a point 68 metres north of the junction of the U5088 Chapels Row with the A595, for a distance of 36 metres in a south-easterly direction to a point 11 metres to the north of the northernmost boundary of the residential property known as Crown Cottage (and being the northern arm of the C5014 Buckthorn Lane junction with the A595). The new highway reference 'C' will utilise the existing road to be stopped up and provide a new bridleway and continuity of access for cyclists and pedestrians going to Chapels hamlet and southwards, as shown in Inset 'B' on the Site Plan 1 of 2.

### **Highways to be stopped up and not replaced**

- 15.5.8 Bridleway No. 539046 at its junction with the A595 westwards for a distance of 30 metres. This is to facilitate a widening of the A595. The remaining length of this bridleway will connect with the boundary of the improved A595, as shown in Inset 'A' on the Site Plan 1 of 2. As a result, no replacement highway is necessary in respect of the length of Bridleway No. 539046 which is proposed to be stopped up.

### **Private means of access to be stopped up and replaced**

- 15.5.9 References 'X1' and '1' – Access from the A595 to farmland on the west side of the A595, immediately south of the junction of the existing Bridleway No.539046 with the A595, as shown by the reference 'X1' in Inset 'A' on the Site Plan 1 of 2. The existing field access from the southern edge of Bridleway No. 539046 is to be stopped up and replaced with a new field access at a suitable distance from the edge of the widened A595, as shown by the reference '1' in Inset 'A' on the Site Plan 1 of 2. .
- 15.5.10 References 'X3' and '3' – Access from the A595 to farmland on the west side of the A595, at a point 17 metres south-westwards from the northern arm of the C5014 Buckthorn Lane junction with the A595, as shown by the reference 'X3' in Inset 'B' on the Site Plan 1 of 2. The existing field access from the western edge of the A595 is to be stopped up and replaced with a new field access at a suitable position on the

western edge of the widened A595, 24 metres to the south west of the existing field access, as shown by reference '3' in the Inset 'B' on the Site Plan 1 of 2.

- 15.5.11 References 'X4' and '4' – Access from the A595 to farmland on the west side of the A595, at a point 45 metres north-westwards from the northern arm of the C5014 Buckhorn Lane junction with the A595, as shown by the reference 'X4' in Inset 'C' on the Site Plan 1 of 2. The existing field access is to be stopped up and a new field access is to be provided immediately to the east of the existing access from the edge of the widened A595 to provide continuity of access, as shown by the reference '4' in the Inset 'C' on the Site Plan 1 of 2. **New Private means of access**
- 15.5.12 Reference '2' – A new private means of access including a vehicle turning head is proposed to be constructed for access to a new drainage attenuation basin, as shown by the reference '2' on the Site Plan 1 of 2.
- 15.5.13 Reference '5' – A new private means of access including a vehicle turning head is proposed to be constructed for access to adjacent farmland on the existing A595 south of Dove Bank House, as shown by the reference '5' in the Inset 'D' on the Site Plan 1 of 2. This new private means of access will be constructed in the vicinity of the new vehicle turning head at a point 43 metres south-west of the southernmost boundary of the residential property known as Dove Bank House.

## 15.6 Site Plan 2 of 2

### Improvements

- 15.6.1 Improvements are required along the existing A595, A5092, C5011, C5013 and U5086, all in the vicinity of Dove Ford, Bank End and Grizebeck village. Works are to include:
- A595
    - Alterations to the A595 from a point 75m north of Dove Ford Farm to the southernmost junction of the A595 with the C5013, to construct a new junction and a new length of highway for the proposed overbridge.
    - Alterations to the A595 adjacent to Grizebeck Village Hall to construct a new length of highway for the proposed overbridge.
    - Widening of the A595 in and to the west of Grizebeck village between the junction of the A5092 in Grizebeck and westwards to a point 25 metres west of the northernmost junction of the A595 with the C5013, to facilitate the new ghost island junction and to achieve appropriate visibility splays.
    - Alterations to the junction of the A595 with the A5092 in Grizebeck village, to include for an anticlockwise one way system, a bus layby, pedestrian crossing and improved footpath connections.
  - A5092
    - Alterations to the junction of the A5092 with the A595 in Grizebeck village, to include for an anticlockwise one way system, a bus layby, pedestrian crossing and improved footpath connections.
    - Widening of the A5092 in Grizebeck village between the junction with the

A595 to a point 50 metres east of the junction with the C5011, to facilitate amendments to the A595/A5092 Grizebeck junction.

- C5011
  - Alterations to the junction of the C5011 with the A5092 to facilitate the widening of the A5092 in Grizebeck village.
- C5013
  - Alterations to the junction of the southernmost junction of the C5013 and the A595, 75 metres north of Dove Ford Farm, to construct a new junction and a new length of highway for the proposed overbridge.
  - Alterations to the C5013 between Bank End Bridge and the northernmost junction of the C5013 with the A595, to facilitate vehicular traffic restrictions.
  - The provision of a vehicular turning head at Bank End, to provide a means for vehicles to turn around in consequence of the proposals to introduce traffic restrictions on the C5013 west of Bank End.
- U5086
  - Alterations to the junction of the U5086 with the A595 to facilitate the widening of the A595 in Grizebeck village.

### **New Highways**

- 15.6.2 Reference 'D' – This is a length of new road proposed to be constructed over the new classified road to link Dove Ford with Grizebeck village, as shown in Inset 'E' on Site Plan 2 of 2.

### **Highways to be stopped up and replaced**

- 15.6.3 The A595 from its southernmost junction with the C5013, north of Dove Ford, eastwards for a distance of 163 metres, to a point 43 metres south of the Grizebeck Village Hall. New highway reference 'D' is to be a replacement length of highway over the new classified road to link Dove Ford with Grizebeck village, as shown in Inset 'E' on the Site Plan 2 of 2.

### **Private means of access to be stopped up and replaced**

- 15.6.4 References 'X8' and '8' - Access from the A595 to farmland on the south side of the A595, from a point 92 metres eastwards from the southern-most junction of the C5013 with the A595, as shown by the reference 'X8' on the Site Plan 2 of 2. The existing field access is to be replaced with a new access opposite the entrance to the Grizebeck Village Hall including a length of new access track on the field side of the road 145 metres long, as shown by the reference '8' on the Site Plan 2 of 2.
- 15.6.5 References 'X9a' and '9' - Access from the C5013 to farmland to the north of the C5013, at a point 12 metres west of the southernmost junction of the A595 and the C5013 at a point 112 metres north of Dove Ford, as shown by the reference 'X9a' in

Inset 'F' on the Site Plan 2 of 2. The existing field access is to be replaced with a new field access 8 metres west of the existing access on the other side of a field boundary, as shown by the reference '9' in Inset 'F' on the Site Plan 2 of 2.

- 15.6.6 References 'X9b' and '9' - Access from the A595 to farmland to the north west of the A595, at the junction of the A595 with the entrance to the Grizebeck Village Hall, as shown by the reference 'X9b' in Inset 'F' on the Site Plan 2 of 2. The existing field access is to be replaced with a new field access 8 metres west of the existing field access with the reference 'X9a', as shown by the reference '9' in Inset 'F' on the Site Plan 2 of 2.
- 15.6.7 References 'X16' and '16a' - Access from the A595 to farmland on the south side of the A595, directly opposite the access road to the residential property Eller Mire, as shown by the reference 'X16' on the Site Plan 2 of 2. The existing field access is to be replaced with a new field access constructed directly from the new classified road at a point 54 metres south-east of Ellermire Bridge, as shown by the reference '16a' on the Site plan 2 of 2. The new access '16a' will provide access to land east of the new classified road.
- 16.6.8 References 'X16' and '16b' – Access from the A595 to farmland on the south side of the A595, directly opposite the access road to the residential property Eller Mire, as shown by the reference 'X16' on the Site Plan 2 of 2. The existing field access is to be replaced with a new field access constructed directly from the new classified road providing access to a proposed attenuation basin area on the west side of the new classified road at a point 48 metres south of Ellermire Bridge, as shown by the reference '16b' on the Site Plan 2 of 2. The new access '16b' will also provide access to farmland on the south side of Press Beck.
- 16.6.9 References 'X16' and '16c' – Access from the A595 to farmland on the south side of the A595, directly opposite the access road to the residential property Eller Mire, as shown by the reference 'X16' on the Site Plan 2 of 2. The existing field access is to be replaced with a new field access to farmland on the south side of the A595 at a point 85 metres west of Ellermire Bridge, as shown by the reference '16c' on the Site Plan 2 of 2. The new access '16c' will provide access to farmland on the north side of Press Beck.

### **New Private means of access**

- 15.6.10 Reference '6' – A new private means of access is to be constructed to provide a link to severed farmland either side of the classified road at a point 101 metres south-east of Dove Ford, as shown by the reference '6' on the Site Plan 2 of 2.
- 15.6.11 Reference '7' – A new private means of access is to be constructed to the proposed attenuation basin area directly opposite the junction of the C5013 and the A595 north of Dove Ford, as shown by the reference '7' in the Inset 'F' on the Site Plan 2 of 2.
- 15.6.12 Reference '10' – A new private means of access is to be constructed from the C5013 to highway land on the north side of the C5013, at a point 12 metres west of the southernmost junction of the C5013 and A595, as shown in Inset " on the Site Plan 2 of 2.
- 15.6.13 Reference '11' – A new private means of access is to be constructed to provide

vehicular access from the A595 to a proposed attenuation basin, directly adjacent to and via the Grizebeck Village Hall car park, as shown by the reference '11' on the Site Plan 2 of 2.

- 15.6.14 Reference '12' – A new private means of access is to be constructed from the C5013 into a proposed habitat mitigation area No. 1, on the south side of the C5013, at a point 26 metres south-east of the Barnholme property, as shown by the reference '12' on the Site plan 2 of 2.
- 15.6.15 Reference '13' – A new private means of access is to be constructed from the C5013 into a proposed habitat mitigation area No. 2, on the north side of the C5013, at a point 26 metres south-east of the Barnholme property, as shown by the reference '13' on the Site Plan 2 of 2.
- 15.6.16 Reference '14' – A new private means of access is to be constructed from the C5013 into a small holding severed by the new classified road on the east side of the C5013 at a point 64 metres south-east of Bank End Bridge, as shown by the reference '14' on the Site Plan 2 of 2.
- 15.6.17 Reference '15' - A new private means of access is to be constructed from the new classified road into a proposed habitat mitigation area No. 3 at a point 48 metres south of Ellermire Bridge, as shown by the reference '15' on the Site Plan 2 of 2.

## **15.7 Side Roads Order Classifications**

- 15.7.1 Upon completion of the Grizebeck Scheme there will need to be several changes made to the existing road classifications in the area. This will be necessary where new roads are created, or existing roads are amended in some way as a result of the SRO. Any work to amend road classifications has been limited to informal dialogue within the Council as Highway Authority about what changes will need to be made.
- 15.7.2 All planned changes to existing highways will require appropriate signing of the road classifications and numbering, and will be carried out in accordance with the Traffic Signs Regulations and General Directions 2016 (SI 2016/362) and related Government guidance published by the Department for Transport in the Traffic Signs Manual (first published June 2006, last updated March 2020), as supplemented by Department for Transport Circular 01/2016 – The Traffic Signs Regulations and General Directions (May 2016, Version 2).

## **15.8 Conclusion**

- 15.8.1 The Council has made the SRO pursuant to Sections 14 and 125 of the Highways Act 1980 to authorise the required changes to the side roads and private means of access to premises, involving the stopping up of existing side roads and means of access, improvements to existing side roads and to create new side roads and private means of accesses to premises.
- 15.8.2 In all cases the tests of Section 125(3) of the Highways Act and the associated requirements of Circular 1/97 have been met.



## 16 Related Orders

- 16.1.1 It is anticipated that a number of Traffic Regulation Orders (“**TROs**”) will be required to facilitate the construction and operation of the Grizebeck Scheme.
- 16.1.2 Permanent TROs will likely be required to impose a range of traffic restrictions such as road closures, the introduction of new speed limits or the variation of existing speed limits, the prohibition of turns (such as right turns and U-turns) and the introduction of waiting or loading restrictions once the Grizebeck Scheme is operational and in use. These will all be applied for towards the end of the construction period in time for when the Grizebeck Scheme is operational.
- 16.1.3 One of the key permanent TROs to be introduced is a proposed Prohibition of Motor Vehicles Order except for access on the C5013 between Bank End and the northern junction of the C5013 with the A595 west of Grizebeck. This proposal received a high level of support following the public consultation held in June/July 2021 (see Section 9.10 for details). The introduction of any TRO on this section of road known locally as the ‘Mousetrap’ would be subject to the necessary consultations and reporting processes. Subject to completion of those procedures and the introduction of an Order, the route would continue to be a highway for use by all non-motorised traffic. A vehicular turning head would be provided at Bank End Farm for any vehicular traffic which fails to adhere to proposed traffic signs giving effect to there being no through route.
- 16.1.4 Temporary TROs will likely be needed throughout the construction of the Grizebeck Scheme to ensure the safety of the workforce, pedestrians and other road users. Such TROs will be applied for in advance of construction works and some of them may potentially need to apply throughout the construction period.
- 16.1.5 The Council as the Highway Authority does not foresee any issues that would prevent or hinder such TROs being made. The need for these TROs is not therefore considered to be an impediment to the Grizebeck Scheme proceeding and is simply a consequence of delivering any new road scheme.

# 17 Contact Information

## 17.1 Contact Information

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

- Via the Grizebeck Scheme website at: [www.cumbria.gov.uk/a595grizebeck](http://www.cumbria.gov.uk/a595grizebeck)
- By contacting the Highways Hotline at Cumbria County Council on the telephone number: 0300 303 2992. By writing to The Economy & Infrastructure Directorate, Cumbria County Council, Parkhouse Building, Baron Way, Kingmoor Business Park, Carlisle CA6 4SJ marked for the attention of Alex Pateson.

## 17.2 Public Inquiry

17.2.1 This Statement is not intended to discharge the Council's obligations to serve a Statement of Case under the Highways (Inquiries Procedure) Rules 1994 and the Compulsory Purchase (Inquiries Procedure) Rules 2007 in the event that a Public Inquiry is held.

17.2.2 In the event of a Public Inquiry being held the Council will give evidence in support of the reasons for making the Orders and to further demonstrate that there is a compelling case in the public interest that the Orders should be confirmed.

## 17.3 Inspection of Documents

17.3.1 Copies of the Orders, Maps and this Statement of Reasons are available for inspection either online at [www.cumbria.gov.uk/a595grizebeck](http://www.cumbria.gov.uk/a595grizebeck) or in person at any of the following addresses:

- Cumbria County Council, County Offices, Busher Walk, Kendal LA9 4RQ (during normal office hours: Monday to Thursday 9.00am to 5.00pm, Friday 9.00am to 4.30pm);
- Ulverston Library, Kings Road, Ulverston LA12 0BT (opening hours: Monday, Tuesday, Friday 9.00am to 1.00pm and 2.00pm to 5.00pm), or
- Community Hall at Grizebeck – Grizebeck, Kirkby-in-Furness LA17 7XH (opening/viewing hours: Tuesdays or Thursdays 2.30pm to 4.30pm or by prior arrangement by emailing [hall.manager@grizebeckhall.co.uk](mailto:hall.manager@grizebeckhall.co.uk) or telephoning 07905 779584).

17.3.2 Any organisation or members of the public may obtain paper copies of the Orders, Maps and this Statement from the applicant at a charge of £75.00 + VAT. Requests for such documents can be made via email to [A595grizebeck@cumbria.gov.uk](mailto:A595grizebeck@cumbria.gov.uk), by telephone (Highways Hotline) on 0300 303 2992), or by post to A595 Grizebeck, Freepost CUMBRIA COUNTY COUNCIL.

17.3.3 Persons requesting hard copies of some or all of the documents will need to specify which documents they require and the address to which they would like them to be delivered.

## **17.4 Compensation**

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

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

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

17.4.3 Copies of these booklets can be downloaded directly from:

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

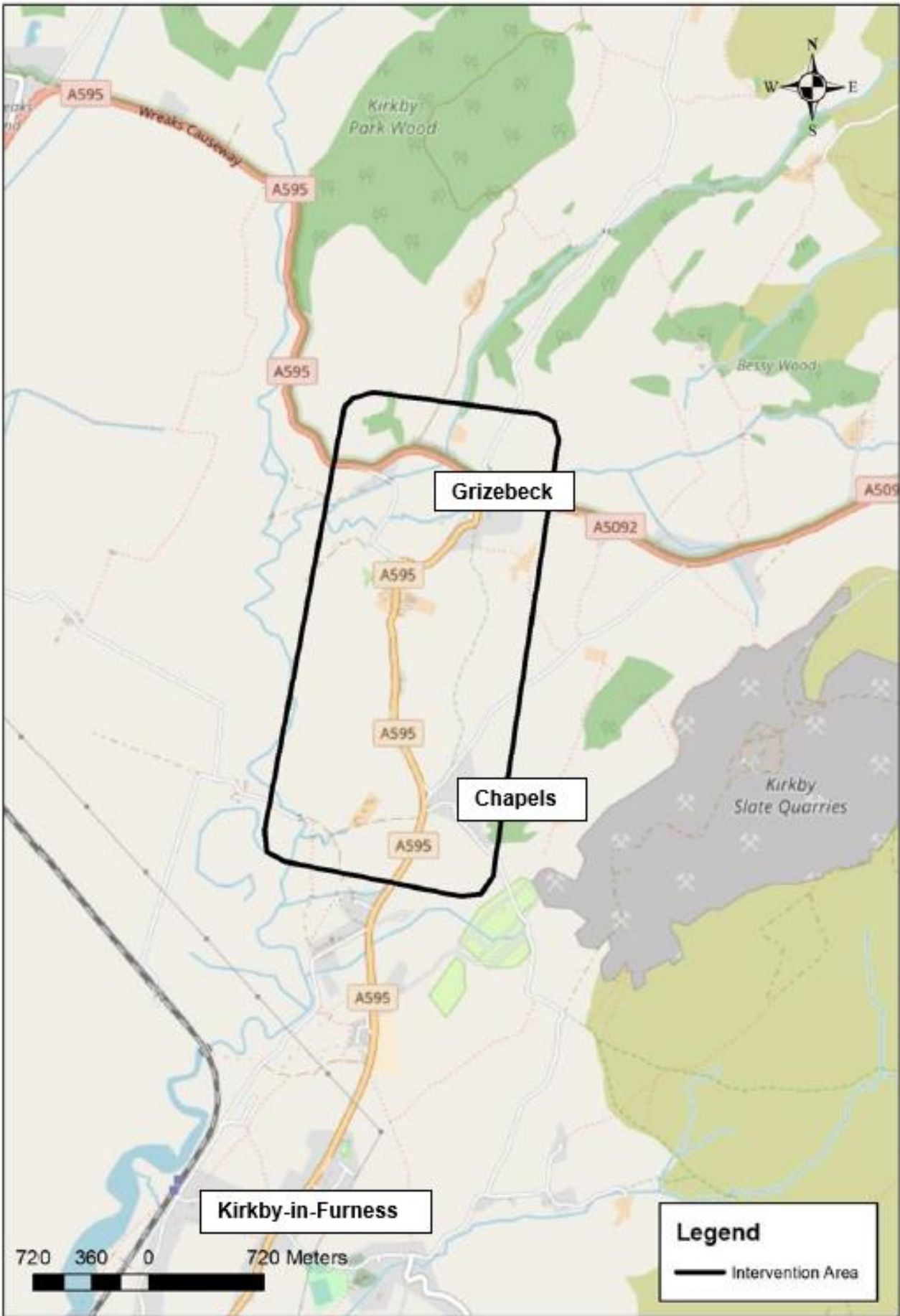
## **17.5 Documents referred to in this Statement and to be relied on at Public Inquiry**

17.5.1 Application Documents:

To be listed out

## **Appendices**

## **Appendix 1 – Scheme Location and Extent of Planned Intervention**



## Appendix 2

Details of individual plots included in the CPO and an explanation of the purpose for which each plot is needed for the Grizebeck Scheme. Each plot listed can be seen on the CPO Plans.

Plot Ref.	Plot Colour	CPO Requirement	Why the Land is Needed
<b>CPO Plan Sheet 1:</b>			
1/2a	Pink	Acquisition of land	For construction of the new classified road (land to the north of Chapels hamlet and east of Dove Bank)
1/2b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north of Chapels hamlet and east of Dove Bank)
1/2c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north west of Chapels hamlet)
1/2d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the east, north east and south east of Dove Bank)
1/2e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land north of Dove Bank Cottages and south of Dove Ford Farm)
1/5a	Pink	Acquisition of land	For improvement and widening of the existing A595 highway and a new private means of access (land to the north east of Meadow Bank Farm and north west of Chapels hamlet)
1/5b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north east of Meadow Bank Farm and north west of Chapels hamlet)

<b>Plot Ref.</b>	<b>Plot Colour</b>	<b>CPO Requirement</b>	<b>Why the Land is Needed</b>
1/6a	Pink	Acquisition of land	For improvement and widening of the existing A595 highway and construction of new drainage attenuation basin 4 to facilitate the construction of the scheme (land south of U5088 Chapels Row, Chapels hamlet)
1/6b	Pink	Acquisition of land	For improvement and widening of the existing A595 highway and construction of a new junction with the C5014 Buckhorn Lane (land to the west of Chapels hamlet)
1/6c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land south of U5088 Chapels Row, Chapels hamlet)
1/7a	Pink	Acquisition of land	For improvement and widening of the existing A595 highway to include a new junction with Bridleway No. 539046 (land to the east of Meadow Bank Farm and south west of Chapels hamlet)
1/7b	Pink	Acquisition of land	For improvement and widening of the existing A595 highway to include a new junction with Bridleway No. 539046 (land to the east of Meadow Bank Farm and west of Chapels hamlet)
1/7c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the east of Meadow Bank Farm and south west of Chapels hamlet)
1/7d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north east of Meadow Bank Farm and west of Chapels hamlet)
1/7e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north east of Meadow Bank Farm and north west of Chapels hamlet)



<b>Plot Ref.</b>	<b>Plot Colour</b>	<b>CPO Requirement</b>	<b>Why the Land is Needed</b>
1/12a	Pink	Acquisition of land	For improvement and widening of the existing A595 highway (land to the south east of Meadow Bank Farm and south west of Chapels hamlet)
1/12b	Pink	Acquisition of land	For improvement and widening of the existing A595 highway (land to the south of Dove Bank and north east of Meadow Bank Farm)
1/13a	Pink	Acquisition of land	For improvement and widening of the existing A595 highway (land to the east of Meadow Bank Farm and west of Chapels hamlet)
1/13b	Pink	Acquisition of land	For improvement and widening of the existing A595 highway and a new junction with the C5014 Buckhorn Lane (land to the east of Meadow Bank Farm and west of Chapels hamlet)
1/13c	Pink	Acquisition of land	For improvement and widening of the existing A595 highway and a new junction with Bridleway No. 539046 (land to the east of Meadow Bank Farm and west of Chapels hamlet)
1/13d	Pink	Acquisition of land	For improvement of the existing U5088 Chapels Row and a new junction with the A595 (land east of the U5088 Chapels Row junction with the A595, Chapels hamlet)
1/13e	Pink	Acquisition of land	For improvement of the existing C5014 Buckhorn Lane to facilitate the construction of the scheme(C5014 Buckhorn Lane, Chapels hamlet)
1/13f	Pink	Acquisition of land	For construction of the new classified road and improvement of the existing A595 highway (land to the north east of Meadow Bank Farm and north west of Chapels hamlet)
1/13g	Pink	Acquisition of land	For improvement of the existing A595 highway to facilitate the construction of the scheme(A595 immediately west and north of Dove Bank)

<b>Plot Ref.</b>	<b>Plot Colour</b>	<b>CPO Requirement</b>	<b>Why the Land is Needed</b>
1/13h	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the east of Meadow Bank Farm and west of Chapels hamlet)
1/14a	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north of the U5088 Chapels Row, Chapels hamlet)
<b>CPO Plan Sheet 2:</b>			
2/1a	Pink	Acquisition of land	For construction of the new classified road and diversion of the existing A595 highway (land to the south east of Bank End House and south west of Grizebeck village)
2/1b	Pink	Acquisition of land	For construction of new drainage attenuation basin 3 to facilitate the construction of the scheme (land north of Dove Ford Farm and south west of Grizebeck village)
2/1c	Pink	Acquisition of land	For construction of new drainage attenuation basin 2 to facilitate the construction of the scheme (land north east of Dove Ford Farm and south west of Grizebeck village)
2/1d	Pink	Acquisition of land	For landscape and habitat mitigation works to facilitate the construction of the scheme (land north of Dove Ford Farm and south of Bank End House)
2/1e	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north of Dove Ford Farm and south east of Bank End Farm)
2/1f	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north of Dove Ford Farm and south east of Bank End Farm)

<b>Plot Ref.</b>	<b>Plot Colour</b>	<b>CPO Requirement</b>	<b>Why the Land is Needed</b>
2/1g	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north of Dove Ford Farm and south east of Bank End Farm)
2/2a	Pink	Acquisition of land	For construction of the new classified road (land to the east of Dove Bank Farm and south west of Grizebeck village)
2/2b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the east of Dove Ford Farm and south west of Grizebeck village)
2/2c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the south of Dove Ford Farm and north of Dove Bank)
2/2d	Pink	Acquisition land	For working space to facilitate the construction of the scheme (land to the east and north of Dove Ford Farm and south west of Grizebeck Village Hall)
2/2e	Pink	Acquisition land	For working space to facilitate the construction of the scheme (land to the east and north of Dove Ford Farm and south west of Grizebeck Village Hall)
2/2f	Pink	Acquisition of land	For landscape and habitat mitigation works to facilitate the construction of the scheme (land north west of Dove Ford Farm and south of the Barnholme property)
2/2g	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north west of Dove Ford Farm and south of the Barnholme property)

<b>Plot Ref.</b>	<b>Plot Colour</b>	<b>CPO Requirement</b>	<b>Why the Land is Needed</b>
2/2h	Pink	Acquisition of land	For construction of a new private means of access to facilitate the construction of the scheme (land to the north east of Dove Ford Farm and south west of Grizebeck village)
2/2i	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north of Dove Bank Cottages and south of Dove Ford Farm)
2/2j	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north of Dove Ford Farm and south east of the Barnholme property)
2/2k	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north of Dove Ford Farm and south west of Grizebeck Village Hall)
2/2l	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north east of Dove Ford Farm and south of Grizebeck Village Hall)
2/3a	Pink	Acquisition of land	For construction of the new classified road (land to the north of Grizebeck Village Hall and east of Bank End Farm)
2/3b	Pink	Acquisition of land	For landscape and habitat mitigation works to facilitate the construction of the scheme (land to the north west of Grizebeck Village Hall and east of Bank End Farm)
2/3c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the east of Bank End Farm and north of Grizebeck Village Hall)

<b>Plot Ref.</b>	<b>Plot Colour</b>	<b>CPO Requirement</b>	<b>Why the Land is Needed</b>
2/3d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the east of Bank End Farm and north of Grizebeck Village Hall)
2/3e	Pink	Acquisition of land	For improvement and widening of the existing A595 highway to facilitate the construction of the scheme (land to the north east of Bank End Farm and west of Ellermire Bridge)
2/3f	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north east of Bank End Farm and west of Ellermire Bridge)
2/3g	Pink	Acquisition of land	For construction of a new vehicle turning head and private means of access to facilitate the improvement of the existing C5013 highway (land north of Bank End Farm and west of Ellermire Bridge)
2/3h	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north of Bank End Farm and west of Ellermire Bridge)
2/3i	Pink	Acquisition of land	For construction of new drainage attenuation basin 1 to facilitate the construction of the scheme (land east of Bank End Farm and north of Grizebeck Village Hall)
2/3j	Blue	Acquisition of new rights over land	To construct, renew and maintain an area of landscape and habitat mitigation works on other land and access for the same (land to the east of Bank End Farm and north east of Bank End House)
2/3k	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the east of Bank End Farm and north east of Bank End House)

<b>Plot Ref.</b>	<b>Plot Colour</b>	<b>CPO Requirement</b>	<b>Why the Land is Needed</b>
2/4a	Pink	Acquisition of land	For construction of the new classified road (land to the east of Bank End House and north west of Grizebeck Village Hall)
2/4b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the east of Bank End House and north west of Grizebeck Village Hall)
2/4c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the east of Bank End House and north west of Grizebeck Village Hall)
2/4d	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the south east of Bank End Farm and north east of Bank End House)
2/4e	Pink	Acquisition of land	For landscape and habitat mitigation works to facilitate the construction of the scheme (land to the north of Bank End House and east of Bank End Farm)
2/4f	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the east of Bank End House and north west of Grizebeck Village Hall)
2/8a	Pink	Acquisition of land	For construction of the new classified road (land to the west of Grizebeck Village Hall and south east of Bank End Farm)
2/8b	Pink	Acquisition of land	For construction of the new drainage attenuation basin 2 to facilitate the construction of the scheme (land to the west of Grizebeck Village Hall and south east of Bank End Farm)
2/8c	Pink	Acquisition of land	For working space to facilitate the construction of the scheme and works to car park (land to the west of Grizebeck Village Hall and south east of Bank End Farm)

Plot Ref.	Plot Colour	CPO Requirement	Why the Land is Needed
2/8d	Blue	Acquisition of new rights over land	To construct, renew and maintain works for a new drainage attenuation basin, outfall and associated features including discharge to the watercourse on other land and access for the same (land to the west of Grizebeck Village Hall and south east of Bank End Farm)
2/9a	Pink	Acquisition of land	For improvement of the existing A595 highway to facilitate the construction of the scheme (land to the north east of Bank End Farm and north west of Ellermire Bridge)
2/9b	Pink	Acquisition of land	For improvement and widening of the existing A595 highway to facilitate the construction of the scheme (land to the north east of Bank End House and north of Ellermire Bridge)
2/9c	Pink	Acquisition of land	For improvement and widening of the existing A595 and A5092 highways to facilitate the construction of the scheme(land to the east of Bank End Farm and north of Grizebeck village)
2/9d	Pink	Acquisition of land	For improvement and widening of the existing A595 highway to facilitate the construction of the scheme (land to the north of Grizebeck Village Hall and south east of Ellermire Bridge)
2/9e	Pink	Acquisition of land	For improvement of the existing A595 highway to facilitate the construction of the scheme (land to the north east of Grizebeck Village Hall and south east of Ellermire Bridge)
2/10a	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north of Dove Ford Farm and south east of the Barnholme property)
2/11a	Pink	Acquisition of land	For working space to facilitate the construction of the scheme(land to the north of Ellermire Bridge and north east of Bank End House)

<b>Plot Ref.</b>	<b>Plot Colour</b>	<b>CPO Requirement</b>	<b>Why the Land is Needed</b>
2/13a	Pink	Acquisition of land	For improvement of the existing A595 highway to facilitate the construction of the scheme (land to the west of Dove Ford Farm and south east of the Barnholme property)
2/13b	Pink	Acquisition of land	For construction of the new classified road and new minor road (land to the north of Dove Ford Farm and south west of Grizebeck Village Hall)
2/13c	Pink	Acquisition of land	For improvement of the existing C5013 highway to facilitate the construction of the scheme (land to the north of Dove Ford Farm and south east of the Barnholme property)
2/13d	Pink	Acquisition of land	For improvement of the existing C5013 highway to facilitate the construction of the scheme (land to the north west of Bank End House and west of Ellermire Bridge)
2/13e	Pink	Acquisition of land	For improvement and widening of the existing A595 highway to facilitate the construction of the new scheme (land to north east of Bank End Farm and north west of Grizebeck village)
2/13f	Pink	Acquisition of land	For improvement and widening of the existing A595 highway to facilitate the construction of the scheme (land north and north east of Grizebeck Village Hall and south east of Ellermire Bridge)
2/13g	Pink	Acquisition of land	For construction of the new classified road (land to the north of Grizebeck Village Hall and south of Ellermire Bridge)
2/13h	Pink	Acquisition of land	For landscape and habitat mitigation works to facilitate the construction of the scheme (land to the east of Bank End Farm and north east of Bank End House)
2/13i	Pink	Acquisition of land	For improvement of the existing A595 highway to facilitate the construction of the scheme (land to the north east of Dove Ford Farm and east of Grizebeck Village Hall)



<b>Plot Ref.</b>	<b>Plot Colour</b>	<b>CPO Requirement</b>	<b>Why the Land is Needed</b>
2/15/a	Pink	Acquisition of land	For construction of the new classified road (land to the north of Grizebeck Village Hall and south of Ellermire Bridge)
2/15b	Pink	Acquisition of land	For working space to facilitate the construction of the scheme (land to the north of Grizebeck Village Hall and south of Ellemire Bridge)