

**IN THE MATTER OF**  
**AN APPLICATION FOR VILLAGE GREEN STATUS**  
**OF LAND AT MILLFIELD ROAD, MARKET DEEPING**

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**WITNESS STATEMENT OF RONALD DEREK MAY**

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1. My name is Ronald Derek May. For the last 20 months I have been employed by WSP as consultant Principal Engineer undertaking work for Lincolnshire County Council. Prior to that I was employed by Lincolnshire County Council ("the Council") as a Principal Engineer. I was employed in that role from 2002 and part of my responsibilities relate to the design and promotion of various road schemes to bring forward improvements to the County Council road network. Prior to that I was a Senior Engineer for the Council. I have prepared this statement from information within my direct knowledge or from documents that have been made available to me. This statement is true and accurate to the best of my knowledge and belief.
2. During the time I have been employed by the Council (and subsequently WSP) I have been involved with the promotion and subsequent construction of various road improvement schemes and one of those schemes was the A15/A16 Market Deeping Bypass, ("the Bypass"). I attach to this Statement various documents, or extracts from documents relevant to the application that has been made for Village Green Status of land adjacent to the bypass, ("the Application"). Those documents consist of the following:-
  - Enclosure 38. The Side Roads Order Plan dated 28 December 1994 and the Compulsory Purchase Order Plan dated 28 December 1994
  - Enclosure 39. The Statement of Reasons for making the orders for the promotion of the bypass scheme.
  - Enclosure 40. Extracts from the Statement of Case in support of the Orders namely the introduction, section 11 Ownership and Rights, section 13 Footpaths and section 15 Objections.



- Enclosure 41. Extracts from the Landscape proof of evidence including section from 2.26 Land Use, section 7 Mitigation and section from 6.15 on Land use.
- Enclosure 42. Two photographs taken at the time the Bypass was opened in 1998.

### **The Market Deeping Bypass Scheme.**

3. In respect of the Market Deeping Bypass I was the Project Engineer responsible for the design and promotion of the overall proposals. The Scheme itself was not particularly challenging in engineering terms but it was necessary to promote a scheme to meet the stipulated objectives of bypassing the town in an environmentally acceptable way. My first involvement with the proposals was in the early 1990's when all relevant information was to be obtained in order to design and thereafter promote a scheme through the various statutory processes up to construction and finally opening as a bypass of the town.
4. My involvement throughout that process was as Lead Design Engineer. As part of that work I was responsible for the design of all of the roads and drainage works together with the design of the landscaping mitigation elements, excluding the planting details. I also undertook the preparation of the Compulsory Purchase Order and Side Road Order plans. As such I was responsible for commissioning and overseeing much of the information gathering and I was due to be the engineer who was to give evidence to any public inquiry that was required to be held.
5. I am aware that planning permission for the Bypass was granted in 1992 or 1993 and that after that time the proposals appeared in all relevant planning documents related to the area and in that respect the line was protected from development in the 1995 Local Plan for South Kesteven. The necessary road Orders, namely a Side Roads Order and a Compulsory Purchase Order, which were required to enable the Bypass to be built were published in 1994 and they were advertised in



the London Gazette on the 19/9/1995 with an objection period stated to run out on the 26/9/1995.

6. A public local inquiry was held into the proposals in October 1995 following objections into the Bypass scheme. Those objections are summarised in the Statement of Case and Enclosure 39 summarises the various points of objection that were raised and ultimately considered by the Inquiry. I was due to give my evidence to the public inquiry but for personal reasons I was not available to present my evidence so it was delivered by my immediate superior.
7. The result of the Inquiry was that the Bypass was justified and construction started on the Bypass in late 1997. The Bypass was opened to traffic in July 1998 and has been in use ever since. My direct involvement with the Bypass and the land on which it was built ended with the opening of the Bypass subject only to ongoing maintenance considerations. My responsibility now relates to areas other than Market Deeping.

**Matters Raised as part of the development of the Bypass.**

8. As is customary in respect of the promotion of major new road infrastructure a great deal of investigative work is undertaken as part of the development of the Scheme. A significant factor in respect of that is to identify the land ownership details in respect of any land required for the development and operation of the proposals as well as of any other tenants and occupiers of land that would need to be accommodated. In addition all rights of way would need to be identified to ensure that those rights were protected and that the Bypass proposals responded to any such requirements.
9. All that work was undertaken in the customary fashion and the owners and occupiers of the land the subject of the Application for Village Green status were identified. The investigations that were carried out and which the Council used during the course of the promotion of the Bypass revealed that the County Council was the owner of the land but that it was let on various agricultural tenancies to



individual tenants. I cannot now recall the names of the individual tenants but the Council will be aware of who they are.

10. One important consideration in the promotion of proposals such as a bypass is to ensure that the route selected for it to follow does not create any particular difficulties for the promoting authority. Some areas of land, which is held for public purposes can create unnecessary difficulties such as land owned by the National Trust or held as inalienable land by others or common land and such like. Part of the reason to ascertain who owns and occupies the land required for such schemes is to ensure that all objectors can be properly identified and to seek to avoid taking land that is subject to such additional potential difficulties.
11. I can state with absolute certainty that the investigations carried out in respect of the Bypass followed that same process and further that those investigations did not reveal any claimed use of the land beyond that falling within the rights of the owner, agricultural occupier and any potential user of the dedicated and identified public footpath. In addition following publication of the Orders, which are contained within Enclosure 37 no point of objection, as recorded in the Statement of Case at Enclosure 38, raised as a point of objection the existence of any additional rights in the land. A reading of the matters raised as objections indicates a variety of considerations relevant to the promotion of the scheme but there is no objection raised as a consequence of any claim that the land was being used as a form of Village Green with a right to roam across it.
12. At the time the scheme was being promoted I would point out that the fields now claimed as Village greens formed part of larger fields through which the Bypass was intended to run. The Bypass, as is clear from the Side Roads Plan at Enclosure 37 as described in the Statement of Reasons at Enclosure 38, was intended to be built within the western half of the fields. The scheme was intended to provide the new road, verges and drainage. This was reflected in the original planning application. The road at that point is a dual carriageway. Following further consideration the opportunity was taken to provide the bunds to the east of the bypass. This was subject to a separate planning permission. The bunds had the benefit of mitigating the impact from traffic noise and visual intrusion from



traffic and the works. It was subsequently planted to provide a fitting entrance into the town. Those measures ran the full length of the fields on the eastern side of the Bypass before swinging east to run along the north side of the realigned B1166 to the point where it met with Millfield Road.

13. The nature, purpose and effect of those measures is described in the various enclosures and more particularly in the landscape evidence produced at the time. The effect of the Bypass scheme was therefore to take existing agricultural fields to use about half of them for the proposals, including a large mitigation strip and for the rest of the fields to remain in their previous use. The large planted strip was a fundamental part of the scheme proposals and it was put in place at the time the Bypass was constructed. The mound was formed and planted and fenced in at the time prior to the road being opened in July 1998.
14. The two photographs at Enclosure 41 are photographs taken at the time the road was opened. Both photographs show the situation to the west of the Bypass with the top one looking north along the line of the Scheme and the bottom one looking approximately west. Accordingly, although neither photograph looks directly into the area now contained within the Application I can confirm from my own knowledge two important facts. The first is that the fencing shown on the photographs was identical to the fencing used throughout the proposals to mark the boundaries. I have seen the photographs taken recently in December 2017 between the planted noise bund running along the east side of the Bypass continuing north of the B1166 and I can confirm that is the fencing erected at the time. I note that the fences have been damaged in places but I do not know why.
15. The second point is that the top photograph does show the bund to the east of the Bypass, although the planting had not yet taken effect.
16. I can also state from my own knowledge that the fields now claimed as being Village Green did not exist in the current form until after the Bypass was constructed. During construction the land being used to construct the Bypass and its mitigation bund was fenced off from the rest of the field to enable the construction to be carried out safely. The area contained within the Application



was not therefore available for any such use until July 1998 once construction was complete and the road was opened.

### **Summary**

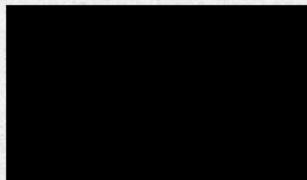
17. I was responsible for the development and promotion of the Bypass. I was also involved during its construction. At no time either during the collection of information prior to the publication of the Orders or during the run up to the inquiry was the possibility of this land having additional rights raised. That would have been an important consideration to the Council as the promoting authority as all such rights have to be dealt with appropriately. Although not directly present at the Inquiry I was not informed by anyone involved that any such claim was made. It was not a matter raised in any objection as recorded in the Statement of Case and it was not a matter considered as part of the landscape evidence where such users would have been a material consideration in assessing impacts.

18. I am not therefore aware of any basis for that claim being made at any time prior to the Bypass being opened in July 1998. The land claimed for such use and the boundaries of it on the southern and western sides did not exist prior to the Bypass being built and only came into existence therefore in July 1998. Those areas were fenced and the only access that was taken into account as part of the proposals was for the public footpath location. I can state that in 1998 if any public access from the corner of Millfield Road and the B1166 had existed into the land then that would have been reflected in the fencing which was put in place. There is no such access and I have been shown photographs indicating that the fence that was put up originally has been cut and removed to allow access to take place.

I believe the facts stated in this witness statement are true.



Signed



Dated 10/1/18