

Cabinet



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| Date of meeting: | 09 November 2021 |
| Title of Report: | Woolwell To The George Transport Improvements: Scheme Approval & In Principle Compulsory Purchase Order Resolution |
| Lead Member: | Councillor Jonathan Drean (Cabinet Member for Transport) |
| Lead Strategic Director: | Anthony Payne (Strategic Director for Place) |
| Author: | Steven Flaxton |
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| Your Reference: | WTTG/01/approvals/cabinet report |
| Key Decision: | Yes |
| Confidentiality: | Part I - Official |

Purpose of Report

This report summarises the development of the Woolwell To The George (WTTG) transport Improvement Scheme (“the Scheme”) and seeks approval of the preferred option and to progress to the next development stage.

The report also seeks approval:

- in principle to compulsorily acquire land and rights by way of a compulsory purchase order (CPO) for the Scheme;
- for the progression of documents required to make a side roads order (SRO); and
- to place the necessary funding required for the Scheme onto the capital programme

This will provide certainty and allows preliminary processes required for the making of a CPO to be carried out at the same time as negotiations with landowners are ongoing, thereby saving time and supporting the negotiating process. A further Cabinet decision will still need to be sought in the future to make a CPO to acquire any property interest that is required for the Scheme that cannot be secured via negotiated settlement.

The report summarises the benefits of the Scheme and the strategic importance of the Scheme in delivering the growth identified in the Plymouth & South West Devon Joint Local Plan (JLP), particularly in the north of the city at Derriford and Woolwell.

Recommendations and Reasons

1. Approves the Woolwell To The George Transport Improvements Scheme as set out in the report and Appendix C (“the General Arrangement Drawing”).

Reason: To approve the preferred Woolwell To The George Transport Improvements Scheme to deliver the commitments set out in the adopted Plymouth and South West Joint Local Plan (in particular to meet the requirements of Strategic Objective SO4 and the provisions of Policies PLY44 and PLY46).

2. Allocates £33,501,475 into the capital programme funded by £19,923,910 Levelling Up Fund, £5,000,000 Section 106 contributions, £7,270,565 Local Authority Corporate Borrowing, £755,000 Capital Receipts, £552,000 Integrated Transport grant.

Reason: To provide certainty for the Scheme in order to proceed to construction and provide financial assurance for the Compulsory Purchase Order processes.

3. Delegates to the Service Director for Strategic Planning & Infrastructure approval of all subsequent design amendments, Scheme approval submissions, procurement and contract awards associated with developing and delivering the Woolwell To The George Transport Improvements Scheme through to construction and completion in consultation with the Cabinet Member for Transport.

Reason: To enable efficient development and delivery of the Woolwell To The George Transport Improvements Scheme to meet the requirements and timescales of the various funding programmes.

4. Approves the principle of pursuing a Compulsory Purchase Order pursuant to sections 239, 240, 246, 250 and 260 of the Highways Act 1980 in respect of the land neighbouring the A386 Tavistock Road and Woolwell Road, as outlined in red and cross hatched green on the CPO Resolution Area plan in Appendix D (“the Order Land”).

Reason: To ensure that the programme for delivery of the Woolwell To The George Transport Improvements Scheme can still be met in the event that not all land can be acquired through negotiation.

5. Authorises the Service Director for Strategic Planning & Infrastructure and the Head of Legal Services to negotiate to acquire all interests in the land and new rights within the Order Land by agreement and where appropriate, to agree terms for relocation, including authorisation to enter any agreement necessary for the progression of negotiations.

Reason: To enable efficient land acquisition and subsequent delivery of the Woolwell To The George Transport Improvements Scheme to meet challenging funding timeframes and constraints.

6. Authorises the Service Director for Strategic Planning & Infrastructure and the Head of Legal Services to make arrangements for the relocation of owners and occupiers where appropriate.

Reason: To enable efficient land acquisition and subsequent delivery of the Woolwell To The George Transport Improvements Scheme to meet challenging funding timescales and constraints.

7. Approves the principle of pursuing a Side Road Orders (SRO) in exercise of powers under Sections 14 and 125 of the Highways Act 1980 to carry out works to the highway in association with the proposals for the CPO.

Reasons: To enable the procedural measures to be carried out efficiently and to allow alterations to the highway and private means of access in relation to affected land.

8. Authorises the Service Director for Strategic Planning and Infrastructure to authorise officers to begin preparatory work to use its compulsory purchase powers, including serving requisitions on landowners, investigating all land interests, the preparation of a Statement of Reasons and all other necessary documentation.

Reason: To ensure that the Council is in a position to make a CPO as soon as practicable in the event that the making of a CPO is approved.

Alternative options considered and rejected

Alternative options considered and rejected:

1. Do nothing. This was rejected as this section on the A386 is a notorious congestion hot spot and without intervention will mean that the planned development identified in the Plymouth and South West Devon Joint Local Plan will not be able to come forward.
2. Provide a more enhanced specification for the Scheme. This was rejected in order to ensure that the Scheme did not require any unnecessary third party land take.
3. Provide a de-scoped Scheme. This was rejected as this did not meet the aims and objectives of the project nor improve the resilience of the network.

The alternative options above are expanded upon in the background paper accompanying this report.

Relevance to the Corporate Plan and/or the Plymouth Plan

The Corporate Plan:

Unlocking the City's Potential

An efficient and sustainable transport network:

This Scheme will improve journey times and reduce congestion while improving the resilience of the transport network in the north of the city. The Scheme will add capacity into the transport network, which will give reassurance to key partners such as National Highways that the planned growth, as set out in the Plymouth and South West Devon Joint Local Plan (JLP), is deliverable and will reduce the risk of decisions of the Local Planning Authority not being able to follow recommendations of Highways England and having them referred up to the Secretary of State to intervene.

A wide range of homes:

The Scheme will provide a key piece of infrastructure required to help deliver the 4,412 new homes identified for the Derriford and Northern Corridor Growth Area. This Scheme will provide improved transport links which will give confidence to developers and create the conditions for growth. It will directly unlock 2,000 new homes at the Woolwell Urban Extension (WUE).

A vibrant economy offering quality jobs and skills:

This Scheme will provide a key piece of infrastructure required to help deliver 26,000 sq. m of employment space (including a new district shopping centre) planned for the Derriford area.

Infrastructure Schemes not only allow development to come forward but also provide a cash injection to the local economy during construction. An example of this effect is the Forder Valley Link Road Scheme which is currently in construction and has achieved 85% local spend and utilising 88% local labour and has placed orders in excess of £19m through local Small and Medium Enterprises (SME).

A green, sustainable city that cares about the environment:

The Scheme will be subject to an Environmental Impact Assessment to provide a comprehensive landscape plan and environmental management and enhancement plan which not only mitigates the Scheme's impact but will provide a net gain in biodiversity.

The modelling work undertaken to support the Levelling Up Fund bid, submitted to the Department for Transport (DfT) on 18th June 2021, shows that the Scheme will reduce carbon emissions by 36.6 million tonnes across the 60 year appraisal period. This is achieved by providing significant walking and cycling infrastructure along the A386 and expansion of the number of parking spaces at the George park and ride site. The Scheme also reduces congestion on a key pinch point on the highway network.

Caring for people and communities

The Scheme will improve road safety along one of busiest sections of the city's road network including widening of footways, new and improved pedestrian crossing points and new cycling infrastructure that will provide safe and active travel opportunities for all abilities and ages.

The Scheme has a keen focus on providing local construction job opportunities as well as delivering infrastructure which will facilitate employment development sites in the north of the city.

The Plymouth Plan

The Scheme specifically supports the following Strategic Objective and policies within the Plymouth Plan:

Strategic Objective 1: Delivering a Healthy City "Providing a safe, efficient, accessible and health-enabling transport network which supports freedom of movement and active travel and promotes low carbon lifestyles

Policy HEA6: Delivering a safe, efficient, accessible, sustainable and health-enabling transport system.

Policy GR04: Using transport investment to drive growth

Implications for the Medium Term Financial Plan and Resource Implications:

The Scheme is divided into 3 phases:

Phase I: Woolwell Crescent and walking and cycle elements (£5,000,000)

Phase I is entirely funded from the Department for Transport's Transforming Cities Fund (TCF) with £5,000,000 already secured for this phase of the Scheme. No Local Authority Corporate Borrowing is required for Phase I.

Phase 2: George Park and Ride extension (£11,188,067)

Phase 2 is proposed to be entirely funded through the Government's Levelling Up Fund. A funding bid was submitted in June 2021 and the successful outcome was announced on the 27th of October. The bid included an ask of £11,188,067 to complete this phase. If the funding is not secured for any reason phase 2 will be separated from the WTTG project for the time being whilst alternative funding options are explored.

Phase 3: Tavistock Road A386 / Woolwell Road (£25,653,408)

Phase 3 is funded by a number of different sources:

- £3,340,000 Local Authority Corporate Borrowing has already been allocated to developing the Scheme to date and placed on the capital programme between 2016/17 and 2021/22;
- £7,270,565 is to be funded through Local Authority Corporate Borrowing / Ring-fenced Land Receipts;
- £5,000,000 Developer Contributions has been identified as being the minimum required for the Scheme;
- £552,000 is to be allocated to the Scheme from PCC's Integrated Transport Grant funding;
- £755,000 has been estimated that upon completion, residual land and property no longer required for the Scheme can be resold; and
- £8,735,843 was requested in the bid submission to the Government's "Levelling Up Fund towards Phase 3 of the Scheme. If this funding is not secured for any reason then this is to be underwritten by Local Authority Corporate Borrowing.

Total Project Funding Summary

The total cost of the Scheme package is £41,841,475.

However £3,340,000 has already been placed on the capital programme for the development of the Scheme to date and £5,000,000 of TCF is also already on the capital programme.

Therefore the total addition to the capital programme requested for the Scheme is £33,501,475, funded as follows:

- £19,923,910 Levelling Up Fund;
- £5,000,000 Section 106 contributions;
- £7,270,565 Local Authority Corporate Borrowing;
- £755,000 from estimated capital receipts; and
- £552,000 Integrated Transport grant.

Local Authority Corporate Borrowing

Included in the above request to the capital programme is a Local Authority Corporate Borrowing requirement for the Scheme of £7,270,565.

Also included in the above request to the capital programme is the underwriting of £14,490,843 for the following:

- £500,000 Section 106 contributions;
- £755,000 Income from capital receipts; and
- £8,735,843 Levelling Up Fund phase 3 contribution in the event that this is delayed or does not materialise.

The Council will continue to work with partners and neighbours to seek any other available forms of funding that could be drawn upon to support the scheme.

Land Implications:

The Scheme requires the acquisition of 33 plots from third party land owners and occupiers. The Council's preference will always be to negotiate land acquisitions however a CPO process is likely to be required to enable the delivery of the Scheme.

Financial Risks:

The main financial risks have been identified as follows:

- There is a risk that, in the event that not all land can be acquired through negotiation, the CPO process may take longer than anticipated;
- There is a risk that inflation may be higher than anticipated, including for land, materials, equipment and labour costs; or that there may be difficulties sourcing labour and materials which could be exacerbated due to global economic events and the Covid 19 Pandemic;
- There is a risk that unforeseen services/utilities are discovered;
- There is a risk of unfavourable ground conditions;
- There is a risk that the Covid 19 Pandemic may impose restrictions or a lockdown situation during construction.

These risks are being mitigated through prudent financial and programme planning and advanced surveys of the scheme area. In addition the delivery team has experience of delivering a major scheme (the Forder Valley Link Road) through the current pandemic.

Carbon Footprint (Environmental) Implications:

The modelling work undertaken to support the Levelling Up Fund bid, shows that the Scheme will reduce carbon emissions by 36.6 million tonnes across the 60 year appraisal period. This is achieved by providing significant walking and cycling infrastructure along the A386, expansion of the number of parking spaces at The George park and ride site and reducing congestion on a key pinch point on the highway network.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

** When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

Consideration will be given to the rights set out in Article 1 of the first protocol of the European Convention on Human Rights in respect of the impact of a CPO Resolution on the existing landowners and occupiers. The impact this proposal may have on the owners / occupiers of the land in question and other third parties have been carefully considered. It is not considered that any of the owners / occupiers have any special / unusual circumstances that would need to be specifically considered under the Human Rights Act.

The main risks are identified under financial risks above, the risks are actively managed and have fed directly into the cost estimate and programme. In addition the delivery will be by the experienced Strategic Transport Team who have delivered the award winning Charles Cross scheme and are currently delivering the Forder Valley Link Road scheme.

Appendices

*Add rows as required to box below

| Ref. | Title of Appendix | Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i> | | | | | | |
|------|--|--|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| A | Briefing Paper | | | | | | | |
| B | Equalities Impact Assessment (if applicable) | | | | | | | |
| C | General Arrangement Drawing | | | | | | | |
| D | CPO Resolution Area | | | | | | | |

Background papers:

*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

| Title of any background paper(s) | Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i> | | | | | | |
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Sign off:

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| Fin | pl.21. 22.13 8 | Leg | LS/37 536/A C/28/ 10/21 | Mon Off | | HR | | Assets | | Strat Proc | |
| Originating Senior Leadership Team member: Paul Barnard (Service Director for Strategic Planning & Infrastructure) | | | | | | | | | | | |
| Please confirm the Strategic Director(s) has agreed the report? Yes | | | | | | | | | | | |
| Date agreed: 29/10/2021 | | | | | | | | | | | |
| Cabinet Member approval: Councillor Jonathan Drean, Cabinet Member for Transport | | | | | | | | | | | |
| Date approved: 29/10/2021 | | | | | | | | | | | |

1.0 Background

- 1.1. The Woolwell To The George (WTTG) Transport Improvements Scheme will alleviate congestion at the notorious pinch-point between Woolwell and The George junction, on the A386 Tavistock Road. More than 30,000 vehicles use this section of road each day and there are regularly queues and delays at peak times, caused by traffic having to merge over very short distances. The impact of this congestion extends far beyond the immediate Woolwell area, affecting the A386 Tavistock Road as far south as Manadon Roundabout and also disrupts the reliability of the bus network. The route also has poor provision for pedestrian and cyclists and crossing the A386 in particular is very difficult in busy periods.
- 1.2. The problems faced along this section of the transport network are well documented and included as far back as the late 1970's. The 1979 Devon County Council (DCC) adopted Devon Structure Plan identified the need to dual from Derriford Roundabout to Roborough.
- 1.3. Widening along the A386 between Woolwell and The George Junction featured annually within Devon County Council's Transport Policies and Programme (TPP) submission for many years during 1980s and early 1990s.
- 1.4. DCC consulted on a Scheme for between Woolwell and The George and secured some plots of land via a widening line within the Scheme area and further to the south as well.
- 1.5. In 1980 DCC held a consultation which considered the A386 route in three sections:
 - Derriford Roundabout to The George;
 - The George to Woolwell; and
 - Woolwell to Roborough
- 1.6. DCC, the then Highway Authority, made the decision to build the Roborough Bypass first to provide a new dual carriageway between Woolwell and Roborough which opened in 1992 to serve northern Plymouth as well as the Woolwell estate.
- 1.7. The rest of the A386, Derriford to Woolwell was also split into 3 phases;
 - 2a Signal controlled junction at The George,
 - 2b Dual George to Woolwell and
 - 2c Dual Derriford Roundabout to The George.
- 1.8. In 1995, DCC held a further consultation asking for opinions on the order in which Schemes should be constructed. 2a Signalisation of George Junction came out on top and it was the implementation of that Scheme which Plymouth City Council (PCC) inherited in 1998 when Plymouth became a Unitary Authority and was delivered in the early 2000's. The other two Schemes remain to be implemented and explains therefore why the WTTG Scheme continues to be required to this day.
- 1.9. More recently, the Council's Third Local Transport Plan 2011-2016, expressly identifies that highway improvements are required between Woolwell and The George.
- 1.10. The problems identified in this document have continued and have subsequently led to their inclusion in the Plymouth and South West Devon Joint Local Plan (JLP), including an Infrastructure Needs Assessment, which was consulted upon in 2017 and adopted in 2019.

The inclusion of the Scheme in the City's key spatial planning documents is in recognition of the wider benefits that the Scheme will deliver to local communities and to the city.

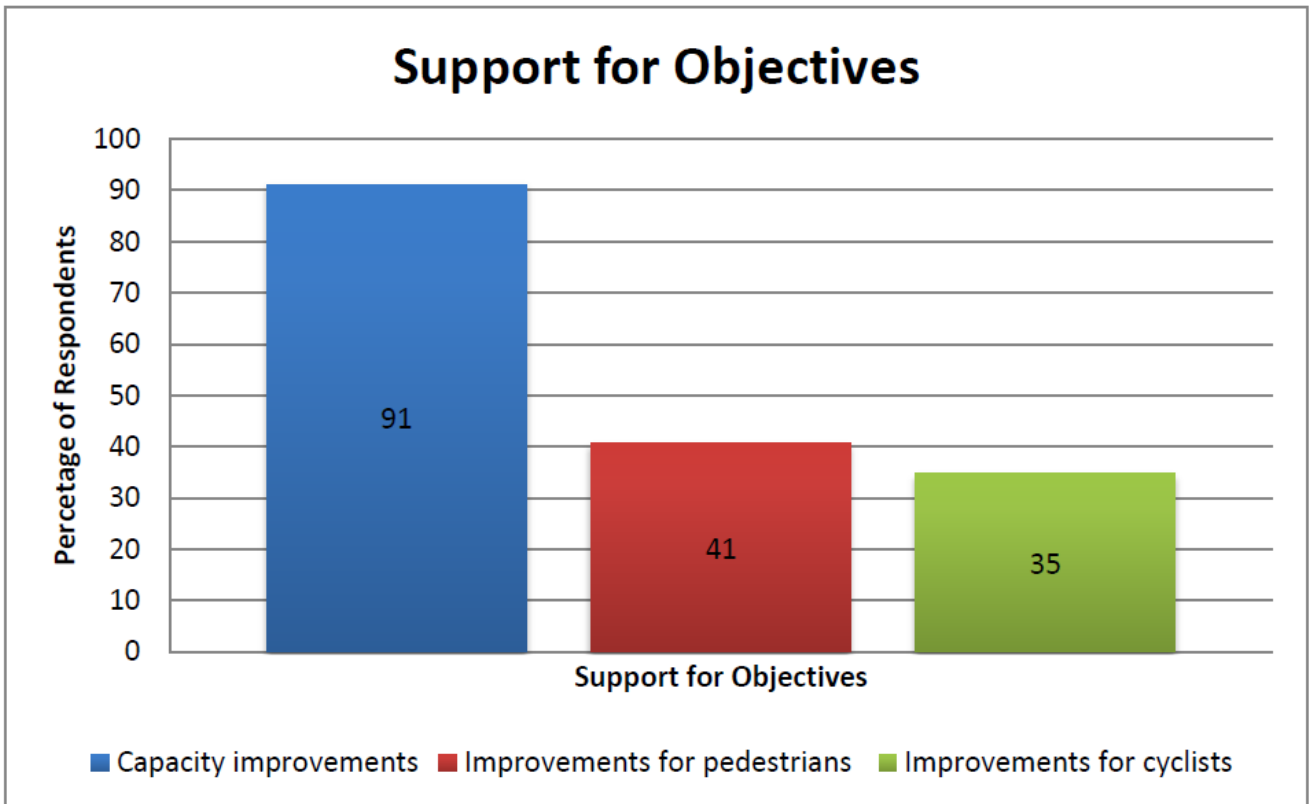
1.11. With significant growth planned for the north of the city and forecast levels of traffic to increase along this route, it is vital to provide improvements that will encourage more walking, cycling and bus travel, as well as minimise congestion and delays for general traffic. With future growth that is allocated to the Northern Corridor, the performance of the network is forecast to deteriorate further, with worsening journey times and reliability.

2.0 Woolwell To The George Transport Improvements Scheme Description

2.1. The Scheme will deliver:

- Dedicated walking and cycling facilities, linking the George Park and Ride site with the existing Woolwell community and 2,000 new houses at the WUE development and improving access to the George Park and Ride site from Plymouth's Strategic Cycle Network (SCN).
- A new signalised junction will be created where Woolwell Crescent joins Tavistock Road. This new junction replaces the right turn that currently takes place out of Woolwell Road, onto Woolwell roundabout. Vehicles wishing to head south will still be able to turn left here or use Woolwell Road. A new left turn into Woolwell Crescent will also be created (See Figure 1).
- Woolwell Roundabout will be upgraded to a signalised junction, increasing capacity and improving pedestrian and cycle crossings (see Figure 2).
- Improved capacity on the A386 Tavistock Road by providing dual carriageway from Woolwell Roundabout to the George Park and Ride site, enhancing accessibility to the George Park and Ride site by vehicles travelling in from Northern Plymouth and beyond (see Figure 3).
- Increase parking capacity at The George Park and Ride site (350- 500 additional spaces); including 100 spaces with Electric Vehicle charge points is also being developed which, subject to funding may be able to be delivered at the same time (see Figure 4).

2.2. A public consultation was carried out in October/November 2017 on improvements to this section of the northern corridor. In total 9,000 letters were sent to residents and businesses in the local area and a total of 591 responses were received, equating to a 6% response rate. During the first two weeks of the consultation, three separate exhibition events were held close to the Scheme area. 82% of respondents reported that they travel through the Scheme area most days. The consultation received overwhelming support for the proposed dual carriageway with 80% of respondents in favour of the proposal. 42% of respondents preferred the signal junction while 58% preferred the roundabout to be maintained. 48% of respondents supported a lower speed limit while 52% did not.



2.3. Since the 2017 consultation, the Scheme has been refined leading to the development of the proposed preferred option. This preferred option includes the popular dual carriageway and also the signalised junction which, although slightly more respondents preferred the roundabout option, the signalised junction performs better at this location.

2.4. In August and September 2021, the opportunity was taken to feedback to the public on the work that had been happening to develop the Scheme and to explain the preferred option to be taken forward.

3.0 Scheme Benefits

3.1. The Scheme is of strategic importance to the city and is in accordance with the Transport Strategy included within the JLP.

3.2. The Scheme will directly unlock development at the WUE. The other main Scheme benefits are:

- Reduce congestion and journey times along the section of the corridor;
- Promote bus use by providing increased accessibility to the George Park and Ride site, and reliable routes for buses into the City;
- Improve resilience on the transport network;
- Improve accessibility to the north of the city, strengthening the local economy and facilitating delivery of the JLP;
- Provide critical infrastructure for sustainable travel options for walking, cycling and buses.

4.0 The Plymouth and South West Devon Joint Local Plan

- 4.1. The Plymouth and South West Devon Joint Local Plan (JLP) identifies the Northern Corridor as one of three priority growth areas because of its potential to deliver a regionally significant number of new jobs and homes. 4,235 new homes have been identified for the Derriford and Northern Corridor Growth Area. 2,000 of these new homes are to be delivered by the WUE.
- 4.2. The Scheme directly supports the following JLP policies:
- Policy SPT8 – Strategic connectivity;
 - Policy SPT9 – Strategic principles for transport planning and strategy;
 - Policy SPT10 – Balanced transport strategy for growth and healthy sustainable communities;
 - Policy SPT12 – Strategic infrastructure measures to deliver the spatial strategy;
 - Policy PLY47 – Strategic infrastructure measures for the Derriford and Northern Corridor Growth Area.
- 4.3. The evidence base supporting the development identified in the Joint Local Plan shows that improvements to the transport network, for both highway capacity and sustainable transport links, are required to allow the WUE development to come forward.
- 4.4. The JLP sets ambitious but achievable targets for increasing public transport use, cycling and walking activity to deliver sustainable developments. Amongst the core measures to enable this increase in bus, cycle and pedestrian traffic is a focus on key movement corridors linking residential estates and major employment sites to public transport interchanges and the Plymouth Strategic Cycle Network. It is clear that significant further investment in the sustainable transport network alongside focused improvements to the highway network are required to enable the planned future development and this is further highlighted in Plymouth’s Local Cycling and Walking Infrastructure Plan (LCWIP).
- 4.5. Policy PLY44 specifically relates to the Woolwell sustainable urban extension and identifies land at Woolwell allocated for comprehensive residential led mixed-use development to provide a sustainable urban extension and a defined edge to the north of the city. It is explicitly stated that there “*should be no occupation of new homes until the A386 Woolwell to the George Junction Transport Scheme has been implemented, with the exception of where this can be accommodated without resulting in a severe impact on the operation of the local road network*”.
- 4.6. There is clear evidence demonstrating that improvements to the sustainable transport and highways networks are essential in the delivery of development on the Northern Corridor and particularly the WUE development. The Plan is clear that without such investment, congestion around the growth areas will substantially worsen and growth and productivity will be constrained.

5.0 Climate Emergency

- 5.1. Tackling climate change is one of the Council’s top priorities. In March 2019 Plymouth City Council unanimously adopted a ‘Climate Emergency’ declaration, pledging to achieve zero net carbon by 2030. The Climate Emergency Action Plan (CEAP) sets out the need to decarbonise mobility, without restricting access, as a core theme; it identifies actions that the Council are taking, as well as other partners in the Plymouth Net Zero Partnership, to reduce emissions across the city.

- 5.2. Tackling climate change represents a major challenge for the delivery of future growth and operation of the transport network. Providing significant walking and cycling infrastructure on Plymouth's northern corridor, as part of the Woolwell to the George Scheme, is a specific action within the CEAP
- 5.3. The Government's "Gear Change", an ambitious plan for cycling launched in July 2020, recognises that cycling will have to play a far bigger part in the nation's transport system from now on with significant increases in cycling required in our cities and towns.
- 5.4. Now, more so than ever, the provision of high quality walking and cycling facilities is of paramount importance to widen the available choice of transport modes for journeys in Plymouth and reduce car dependency. Equally, providing facilities to encourage more walking and cycling is included in the Council's adopted Climate Emergency Action Plans to reach Net Zero by 2030.
- 5.5. Carbon emissions from transport now account for approximately 30% of Plymouth's carbon footprint. Plymouth's Climate Emergency Action Plan sets out the urgent need to decarbonise mobility and reduce emissions, without restricting access, as a core theme of achieving zero net carbon by 2030.
- 5.6. Without delivery of the Scheme, the performance of the transport network on the Northern Corridor will further deteriorate across all modes. Currently, the Park and Ride site is at capacity, meaning further growth in sustainable transport travel to the City Centre from the Park and Ride is constrained.
- 5.7. The Scheme provides a significant improvement in walking and cycling facilities on a key section of Plymouth's Strategic Cycle Network and will provide a direct link to the new development at WUE. Without this, the Council's aspirations for increased travel by active modes on this corridor, which are central to the JLP and Plymouth's Transport Strategy, will be difficult to achieve.

6.0 Programme

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| Phase 1 Woolwell Crescent and walking and cycle elements | Detailed Design & Procurement | Autumn 2021 to late Summer 2022 |
| | Construction | Late summer 2022 to March 2023 |
| Phase 2 George Park and Ride extension | Detailed Design & Procurement | Autumn 2021 to late Summer 2023 |
| | Construction | Late summer 2022 to March 2023 |
| Phase 3 Tavistock Road A386 / Woolwell Road | Detailed Design & Procurement | Autumn 2021 to late Summer 2023 |
| | Construction | Late summer 2023 to Autumn/winter 2024 |

7.0 Land Implications

- 7.1. In order to address many of the transport problems in this part of the city, the WTTG Scheme will require additional land from outside of the current Highway Boundary or Council's own land.
- 7.2. In total 33 plots owned by third parties are affected by the Scheme and land will therefore need to be acquired to deliver the Scheme and its benefits.
- 7.3. The decision to utilise third party land to deliver the Scheme has been carefully considered with the interests of the individuals affected by the Scheme balanced against the benefits of the Scheme to the wider communities and the city.
- 7.4. Members should note that agreeing in principle to use compulsory purchase powers in relation to the Order Land will not undermine due process of pursuing negotiation and fair acquisition terms for existing land owners. In fact, the approach of seeking a resolution in principle to use CPO powers whilst continuing to try to negotiate acquisitions by private treaty agreement is in line with guidance published by the Department for Communities and Local Government in October 2015 entitled "Compulsory Purchase and the Crichel Down Rules" ("the Guidance"), which provides best practice advice for assembling land for Schemes of this nature. It is considered that a resolution in principle to use compulsory purchase powers facilitates negotiations because landowners would know that the Council genuinely means to progress the Scheme and if terms to acquire all land interests and new rights by agreement could not be achieved in a reasonable timescale, compulsory purchase powers will be used. This will encourage landowners to negotiate in a meaningful way.
- 7.5. Any decision to proceed with the making of a CPO would be contingent on a compelling case having been assembled in support of the need to make a CPO for the Scheme and the specific land or rights to be acquired. A full report to the Cabinet would provide these details when recommending that the CPO is made and implemented.

8.0 Human Rights Implications

- 8.1. In deciding whether to proceed with the CPO and the related Orders, the Council must consider whether there is a compelling case in the public interest that powers of compulsory purchase of land are necessary to enable the construction and maintenance of the highway and that the land and the rights to be acquired are properly required for this purpose.
- 8.2. When the Council decides to make a CPO, the Council will need to be sure that the purpose for which the land is required sufficiently justifies (or can be sufficiently justified in due course) interfering with the human rights of those with an interest in the land affected. It is acknowledged that the compulsory acquisition of the land in the Scheme area may amount to an interference with the human rights of those with an interest in the land. These include rights under Article 1 of the First Protocol of the European Convention on Human Rights (ECHR) (which provides that every natural or legal person is entitled to peaceful enjoyment of his possessions) and Article 8 of the ECHR (which provides that everyone has the right to respect for his private and family life, his home and his correspondence).
- 8.3. When preparing the case for making a CPO, officers will keep in mind and in due course advise Members about the need to balance the public interest and the individual's rights and that any interference with these rights will be necessary and proportionate. "Proportionate" in this context means that the interference must be no more than is necessary to achieve the identified legitimate aim. The effect on landowners and leaseholders of the CPO will be

fully taken into account before a final decision is made as to whether or not to put forward a resolution for the making of a CPO.

- 8.4. Members are advised that on the basis of the information that is available to officers at present, officers are of the view that there is likely to be a compelling case in the public interest for the compulsory acquisition of the various interests within the Order Land if they cannot be acquired by agreement. Therefore, the use of compulsory purchase powers in this case is likely to be proportionate. Without the use of these powers, the much-needed Scheme may not be achievable. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.
- 8.5. Any parties affected by the Compulsory Purchase Order, have right to a public and independent hearing if they object to the loss of their property, assets and rights under the compulsory purchase procedures and under the Human Rights Act 1998.
- 8.6. To date, the Council has received a small number of formal representations from affected landowners. One of the representations specifically request that this is brought to the attention of the Cabinet and is contained in appendix E (Part II).

9.0 Legal Implications

- 9.1. The Council has the necessary powers to acquire land compulsorily for the Scheme. Part XII of the Highways Act 1980 includes a number of CPO powers to support the delivery of highways. These include:
 - Section 239 of the 1980 Act pursuant to which the highway authority for the area may acquire land required for the construction of a highway, other than a trunk road, which is to become maintainable at the public expense, as well as any land required for the improvement of a highway.
 - Section 246 of the 1980 Act pursuant to which the highway authority can acquire land for the purpose of mitigating any adverse effect which the existence or use of a highway constructed or improved by them has or will have on the surroundings of the highway.
 - Section 248 of the 1980 Act pursuant to which the highway authority can acquire land in advance of requirements
 - Section 249 of the 1980 Act prescribes distance limits from the highway for the acquisition of land for certain purposes.
 - Section 250 of the 1980 Act allows the highway authority to acquire rights over land, both by acquisition of those already in existence, and by the creation of new rights.
- 9.2. The Acquisition of Land Act 1981 governs the procedures which apply to such an acquisition. The Compulsory Purchase Act 1965 governs post-confirmation procedures and the Land Compensation Act 1961 governs the amount and assessment of compensation. The Local Government (Miscellaneous Provisions) Act 1976 governs the granting of new rights.
- 9.3. Detailed legal implications would need to be assessed when consideration is given to making a CPO.

10.0 Side Roads Orders


10.1. It is considered that a Side Roads Order (SRO) will be required as part of the delivery of the WTTG Scheme to confirm the following:

- Areas of existing highway that will require stopping up;
- Identifying which private accesses need stopping up (where a highway is stopped up the private access to that highway should also be stopped up in addition);
- Demonstrating alternative means of access being provided and planning status of such Works.










10.2. The SRO would be made under section 14 and 125, and in accordance with Schedule 1 of the Highways Act 1980 and this can be progressed at the same time as the CPO.

10.3. Drawings for the SRO are currently being prepared at it is intended that the final set of documents will be brought to Cabinet for approval together with the CPO documents.

Figure 1: Woolwell Crescent

 **WOOLWELL TO THE GEORGE**
TRANSPORT IMPROVEMENTS
New Woolwell Crescent junction

Key

| | | | | | |
|---|----------------------|---|-------------|---|------------------------|
|  | On road cycle lanes |  | Shared path |  | Built up area |
|  | Off road cycle lanes |  | Crossings |  | Anti-slip surface |
|  | Pedestrian footpath |  | Bus stands |  | Vegetation/landscaping |

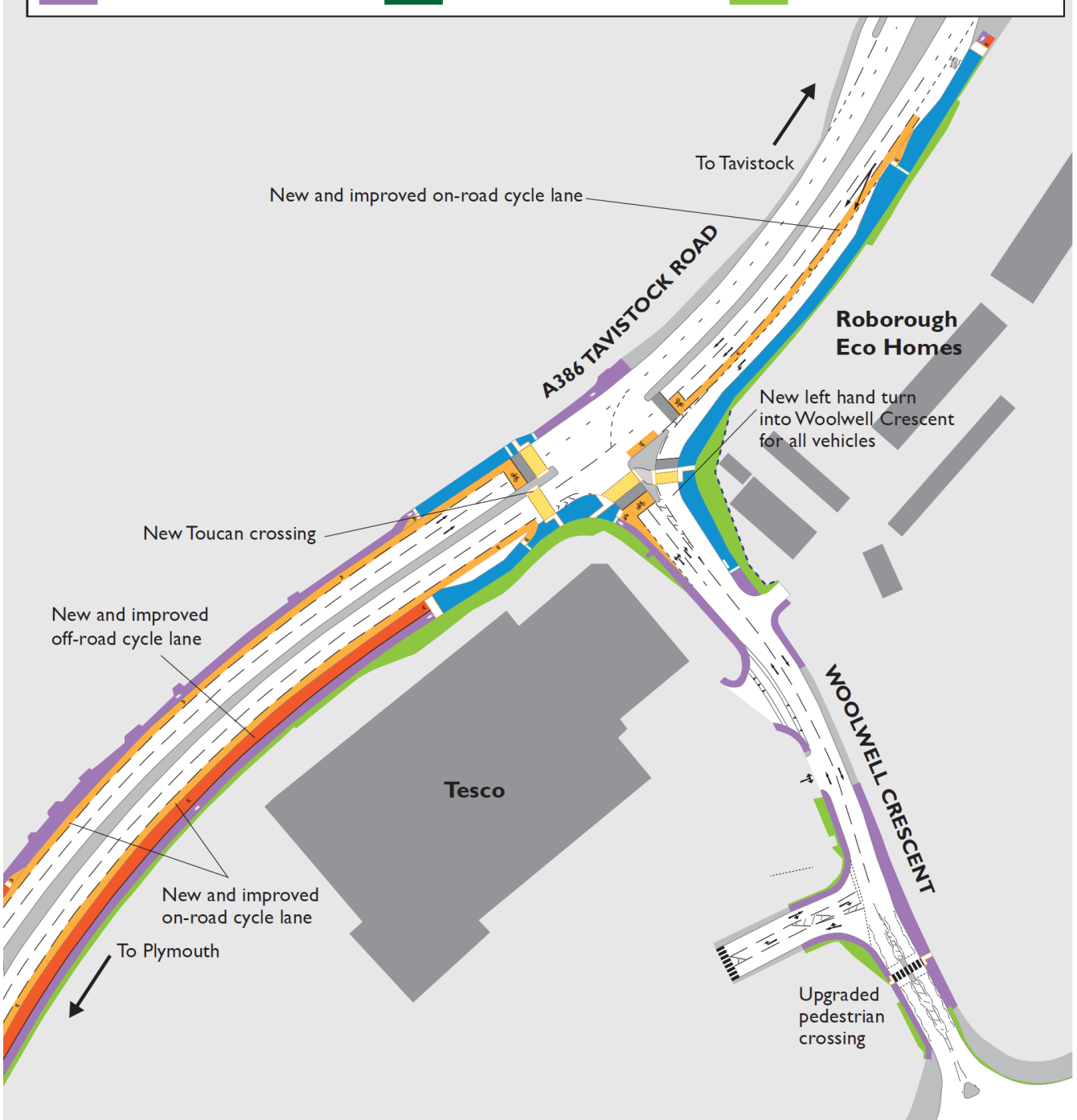


Figure 2: A386 Tavistock Road/Woolwell Road New Junction

WOOLWELL TO THE GEORGE TRANSPORT IMPROVEMENTS
 New Woolwell junction

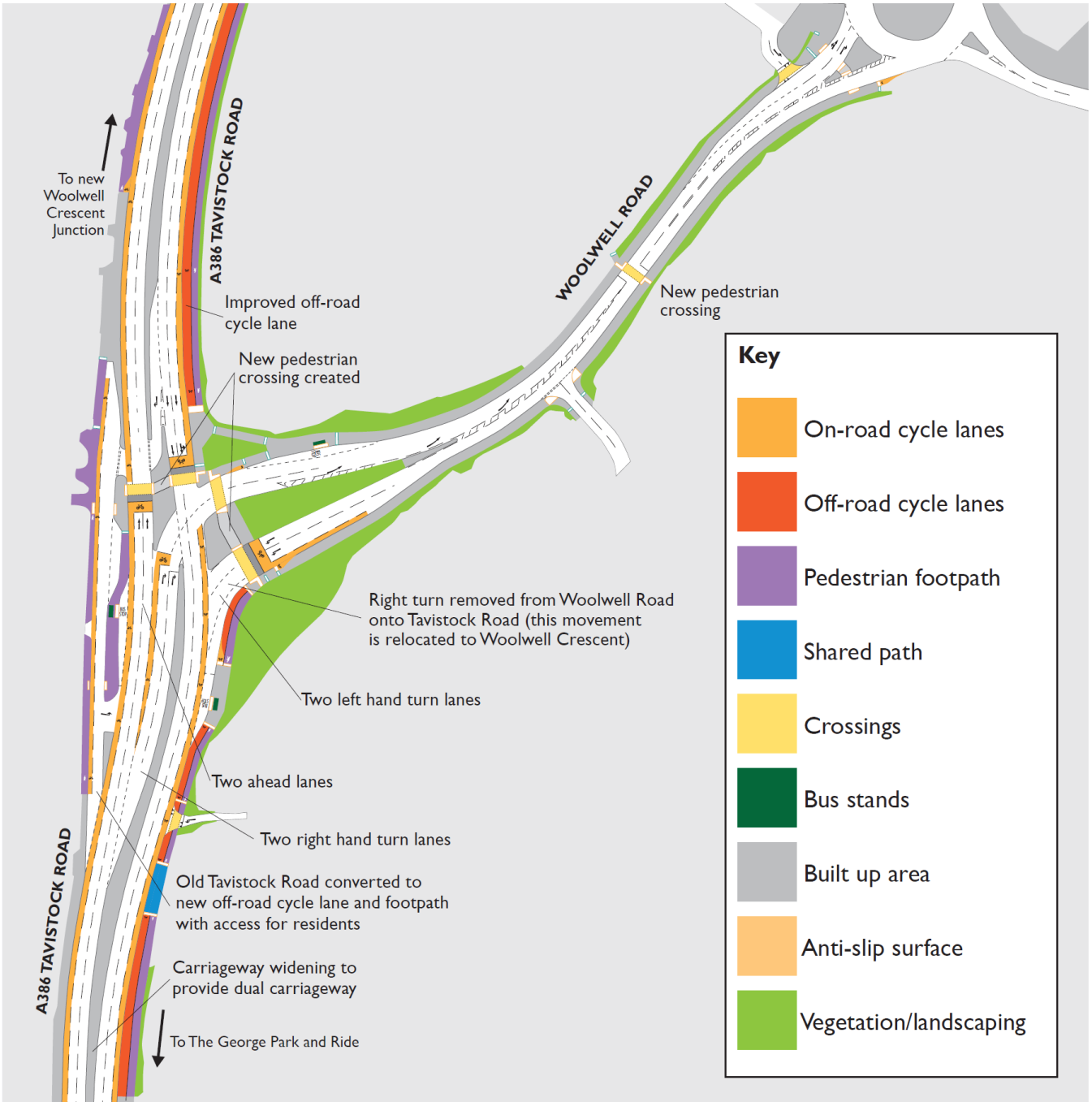


Figure 3: A386 Tavistock Road

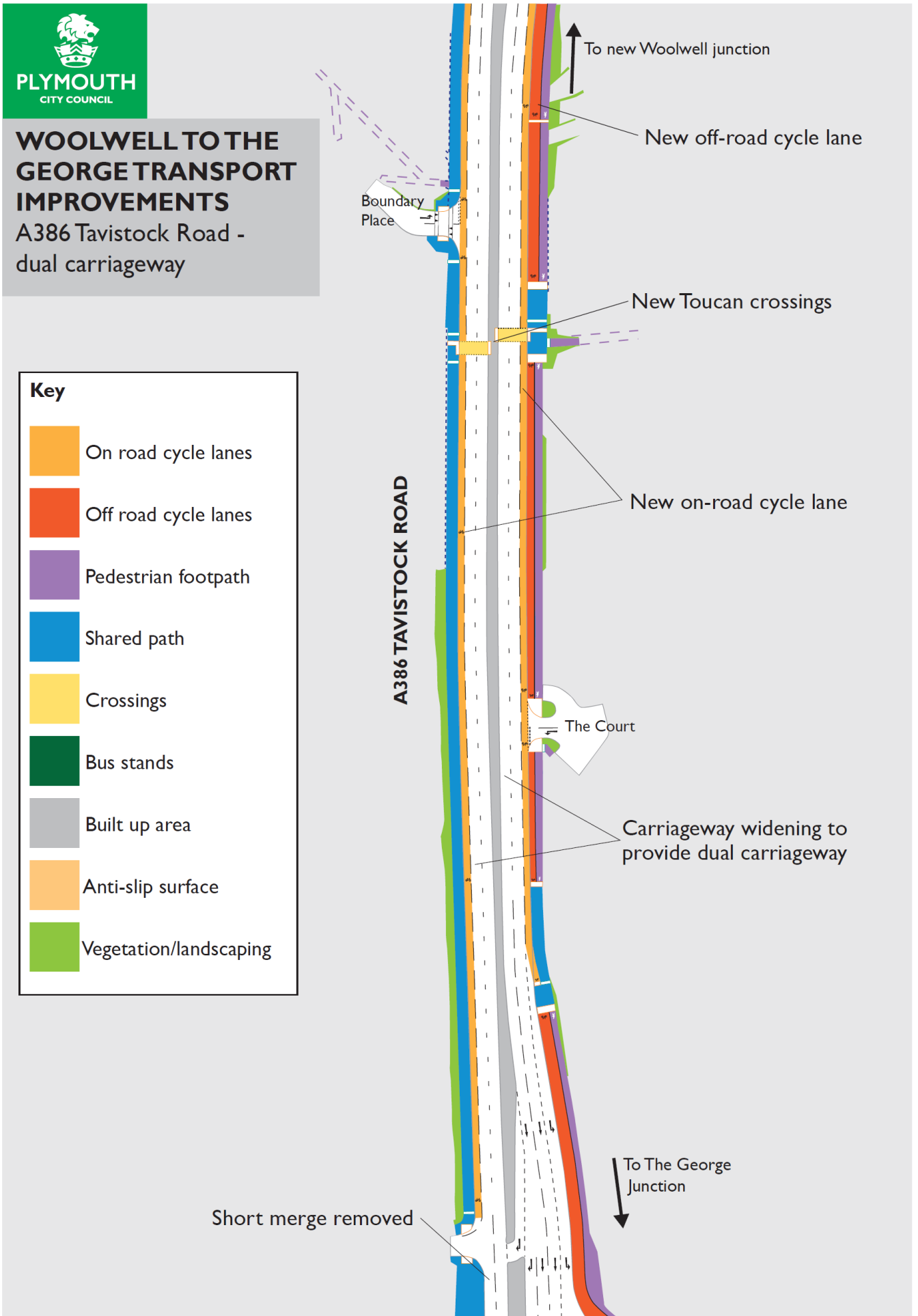



Figure 4: The George Park and Ride Extension

 **WOOLWELL TO THE GEORGE**
TRANSPORT IMPROVEMENTS
The George Park and Ride extension

