

# Appendix A: Cabinet Report Summary

Date of meeting: 18 March 2024

Title of Cabinet Report: **Woolwell To The George Transport Improvements: Compulsory Purchase Order & Side Roads Order Resolution**

## Purpose of Summary Report

This report summarises the Woolwell To The George (WTTG) transport Improvement Scheme Cabinet Report which is to be discussed at the meeting on 18 March 2024.

Cabinet are to be asked to approve the final Compulsory Purchase Order (CPO) & Side Roads Order (SRO) boundaries and changes made since the in principle approval was given by Cabinet in November 2021.

In summary, the Cabinet report seeks approval to:

- Authorise the final CPO & SRO boundaries and to grant the necessary authority for officers to proceed with the process.
- Place identified S106 and Integrated Transport Block Grant contributions into the capital programme and remove the previously anticipated capital receipts which are no longer viable.

Negotiations with landowners will continue and it remains the Council's preference to secure the land needed for the scheme through negotiation.

The Cabinet Report provides a reminder of 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.

## Implications for the Medium Term Financial Plan and Resource Implications: Funding

The funding for the scheme was confirmed at the [Cabinet meeting on 09 November 2021 \(Item 201\)](#). At this meeting, Cabinet approved £33,501,475 to be added to the capital programme which, including previous allocations, made a total scheme budget of £41, 841,475 to fund the scheme.

Since this time the design has been refined enabling the final scheme and land requirements to be confirmed. However, inflation since 2021 also needs to be factored in and the previously anticipated Capital Receipts of £755,000 will now not be realised. It is therefore now necessary to request a further £1,959,000 of Integrated Transport Block (ITB) Grant and increase the S106 contributions by £1,957,433.

## **I Scheme Context**

### **I.1 Background**

- I.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.
- I.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.
- I.1.3 The Council's Third Local Transport Plan 2011-2016, expressly identifies that highway improvements are required between Woolwell and The George.
- I.1.4 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.
- I.1.5 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.

### **I.2 Woolwell To The George Transport Improvements Scheme Description**

#### **I.2.1 The Scheme will deliver:**

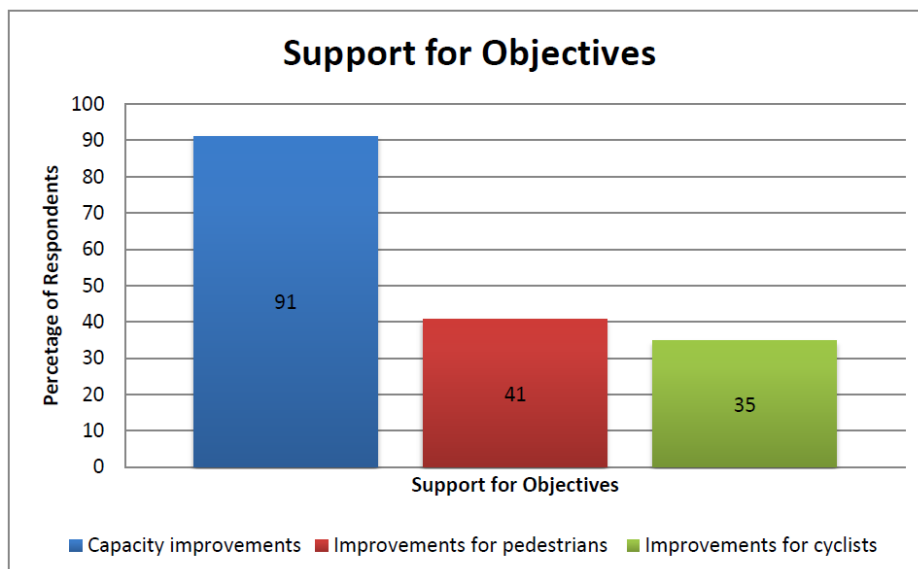
- Dedicated walking and cycling facilities, linking the George Park and Ride site with the existing Woolwell community and 2,000 new houses at the WUE development and improving access to the George Park and Ride site from Plymouth's Strategic Cycle Network (SCN).
- A new signalised junction will be created 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 a 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 by circa 100 additional spaces.

### **I.3 Scheme Benefits**

- I.3.1 The Scheme is of significant strategic importance to the city and is in accordance with the Transport Strategy included within the JLP.
- I.3.2 The Scheme will directly unlock large scale development at the WUE in the region of 2,000 new homes as well as improves access to existing key industrial, technical, business and medical site along the norther corridor.
- I.3.3 The key issues that the scheme will address are:
- Existing high levels of congestion on the A386 and at Woolwell Roundabout due to high traffic volumes and poor network performance
  - Poor connectivity acting as a barrier to development growth on the northern corridor, and constraining economic growth
  - Delays to bus travel times and poor reliability due to existing levels of congestion at Woolwell Roundabout and on the A3896
  - Limited capacity at the existing Park and Ride site constraining growth in use of the Park and Ride
  - Limited facilities for walking and cycling from beyond Woolwell Roundabout to the Derriford area, Park and Ride site and on into the City Centre.

#### I.4 Public Consultation

- I.4.1 A public consultation was carried out in October/November 2017. 9,000 letters were sent to residents and businesses and a total of 591 responses were received. The consultation received overwhelming support for the proposed dual carriageway with 80% of respondents in favour. 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.



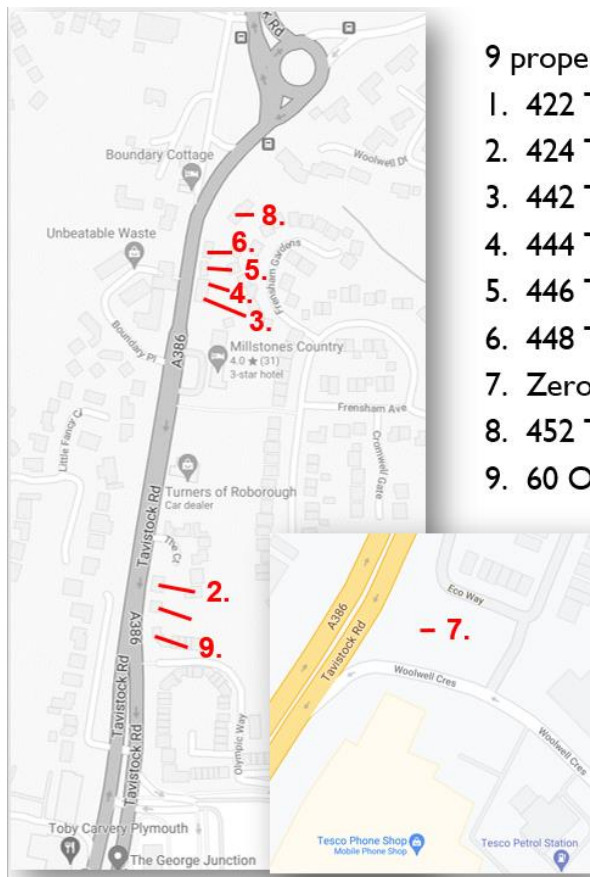
- I.4.2 Since the 2017 consultation, the Scheme has been refined leading to the development of the proposed scheme. This includes the popular dual carriageway and also the signalised junction which, although slightly more respondents preferred the roundabout option, the signalised junction performs better at this location.
- I.4.3 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. Due to the global Covid-19 pandemic, the majority of this was undertaken

online, taking place between 20 August 2021 to 12 September 2021. This included letters sent to businesses, organisations and residents in the scheme area as well as face to face meetings with landowners directly affected by the scheme.

## 2 Land Acquisition

### 2.1 Land Implication Update

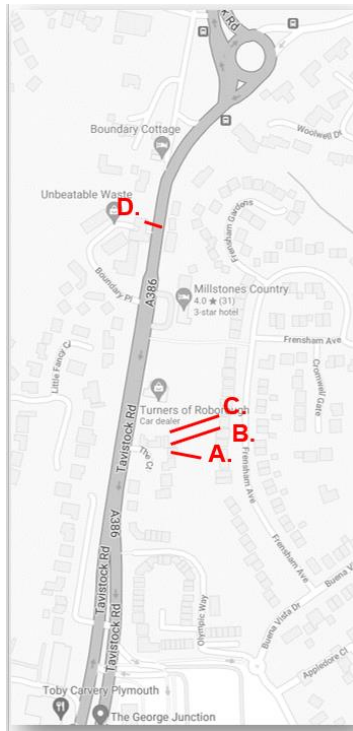
- 2.1.1 In order to address many of the transport problems in this part of the city, the WTTG Scheme will require additional land from outside of the current Highway Boundary or from Council's own land.
- 2.1.2 This project has now been designed in sufficient detail to identify all of the land and rights required to ensure its successful delivery. That land and those rights are identified on the plans appended to this report (Appendix E). Members are asked to note that these plans contain land which will be required permanently and/or permanent access rights, as well as land required for temporary access and working space. The current law relating to compulsory purchase does not allow acquiring authorities to distinguish between the two but the intention would be to negotiate temporary licences (in respect of the latter) preferably before, but if not, then after the confirmation of the Order rather than acquire such areas permanently. To assist members, Appendix E contains the CPO Resolution Area plan Drawing number PL1577909-71 Revision P10, which identifies land and rights required permanently and temporarily in the CPO Resolution plan.
- 2.1.3 The November 2021 Cabinet report identified 33 land parcels that were required to deliver the scheme. The number of land parcels that need to be acquired to deliver the Scheme and realise the benefits, including newly identified unregistered land, is now 32.
- 2.1.4 Since the November 2021 Cabinet approval in principle, one new property has been acquired through negotiation bringing the total to nine properties acquired which has de-risked the scheme significantly.



9 properties already purchased:

1. 422 Tavistock Road (demolished)
2. 424 Tavistock Road (demolished)
3. 442 Tavistock Road (demolished)
4. 444 Tavistock Road (demolished)
5. 446 Tavistock Road (demolished)
6. 448 Tavistock Road
7. Zero C
8. 452 Tavistock Road
9. 60 Olympic Way

2.1.5 Also since the approval in principle was granted four properties that were within the CPO boundary have now been designed out of the scheme and are no longer required along with Permanent works from Tesco and Woolwell Church Community Centre.



## Plots removed / Designed Out

4 properties designed out and removed from land acquisition:

- A. No 4 The Court
  - B. No 3 The Court
  - C. No 2 The Court
  - D. 53 Boundary Place
- Tesco designed out of permanent works, however temporary land required
  - Woolwell Church Community Centre also designed out

This means with land already purchased, 14 land risks have been removed

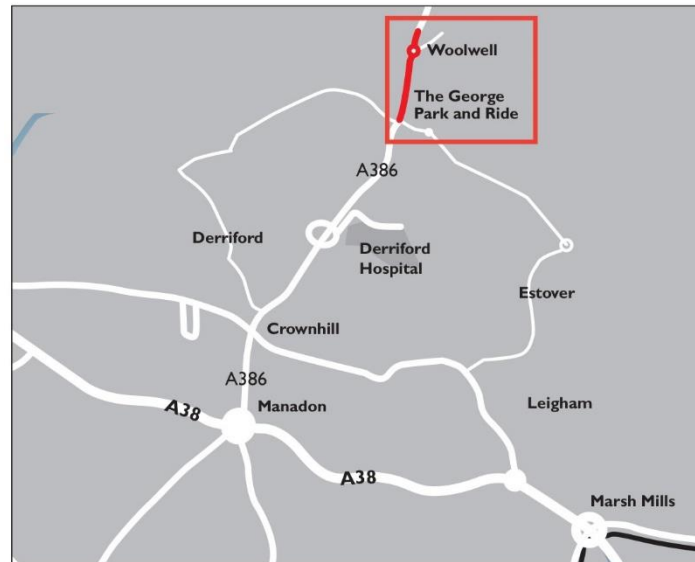
2.1.6 Of the properties that could not be designed out of the scheme, in many locations it has been possible to reduce the scale of impact on the property by reducing the overall footprint of the scheme. 21 properties in total have benefited from a reduction.

2.1.7 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.

2.1.8 Members are asked to note that agreeing 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 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 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.

## 2.2 Description of the Order lands

2.2.1 The Order Land is located in the north of the City of Plymouth adjacent to the A386 Tavistock Road between the local areas of Derriford and Woolwell.



2.2.2 The Order Lands are identified on the CPO Resolution Area plan Drawing number PL1577909-71 Revision P10 and detailed in the accompanying schedule. The Order Lands predominantly comprise of residential land which mainly forms the garden to the affected property.

2.2.3 There are also two commercial properties that border the scheme, including a used car retailer, Turners of Roborough, and a former hotel, Millstones Hotel (which is currently no longer in operation and is in the process of being converted into residential flats). In addition one plot forms an access path with associated adjacent land linking a neighbouring residential estate to the A386 for non-motorised road users.

### 2.3 Schedule Of Interests

2.3.1 The schedule of interest can be found in the Cabinet Report.

### 2.4 Human Rights Implications

2.4.1 Consideration is 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.

2.4.2 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.

2.4.3 When the Council decides to make a CPO, the Council must 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).

- 2.4.4 When preparing the case for making a CPO, officers have considered 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 has been fully taken into account before putting forward this resolution for the making of a CPO and as previously referenced, in many properties the impact has been reduced through the design development process.
- 2.4.5 Since the November 2021 Cabinet approval in principle, four Properties have been designed out of the scheme and therefore removed from the land acquisition requirement. The development of the scheme has resulted in needing less land from 18 properties. There have however, been 12 properties who have had an increase the land needed for the scheme, 8 of which at the very southern extent of the scheme in an area of verge opposite the main property plot.
- 2.4.6 Two new additional land interest requirements are included to ensure that the Council will be able to secure access rights of land to allow access for future maintenance needs.
- 2.4.7 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 a compelling case in the public interest for the compulsory acquisition of the 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.
- 2.4.8 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.

## **2.5 Legal Powers**

- 2.5.1 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.
- 2.5.2 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.

## **3 Side Roads Order**

### **3.1 Side Roads Order Requirements**

- 3.1.1 A Side Roads Order (SRO) is 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.
- 3.1.2 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.



3.1.3 The SRO Schedule and highway affected can be found in the Cabinet Report.

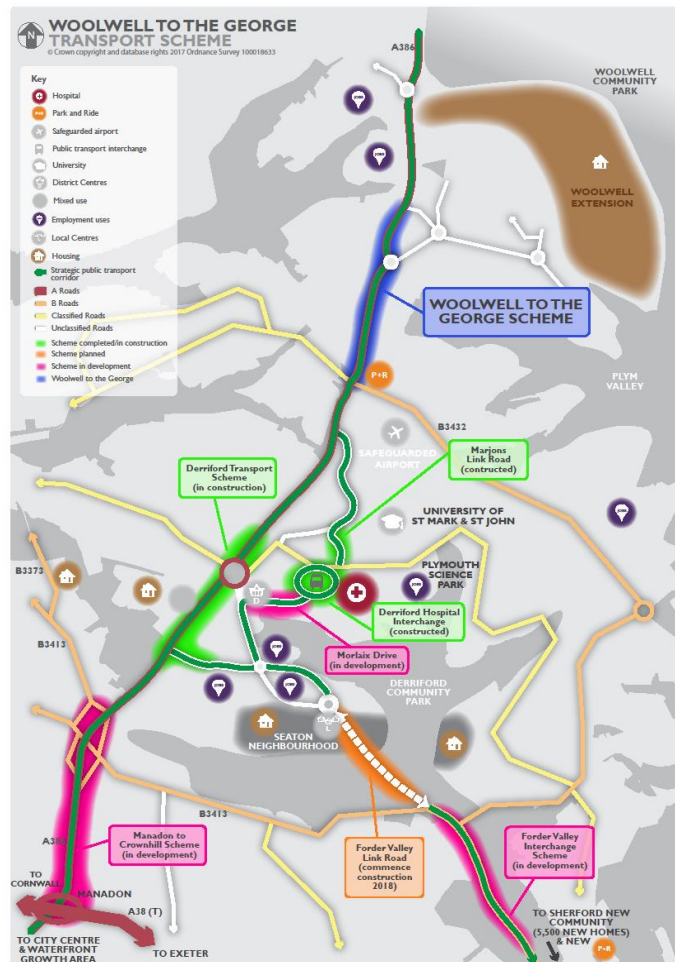
## 4 Policy Context

### 4.1 The Plymouth and South West Devon Joint Local Plan

4.1.1 The WTTG scheme is critical to delivering the Plymouth and South West Devon Joint Local Plan (JLP) to grow the city by 50,000 to 300,000 population and The scheme is specifically identified in policy PLY44 of the JLP.

4.1.2 The 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 and are therefore directly unlocked by the WTTG scheme.

4.1.3 The transport assumptions in the JLP require 10% of new trips to be made by sustainable modes. To encourage the necessary mode shift the scheme must therefore include high quality walking and cycling facilities to link to and complement, existing provision both north and south of the scheme area.



4.1.4 The Scheme directly supports the following JLP policies: Policy SPT8; Policy SPT9; Policy SPT10; Policy SPT12; Policy PLY47

### 4.2 Climate Emergency

4.2.1 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. This policy was replaced in 2023/24 by the Net Zero Action Plan (NZAP). One of the key priorities from both is to cut emissions from travel.; 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.

4.2.2 Tackling climate change represents a major challenge for the delivery of future growth and operation of the transport network. The Scheme provides significant walking and cycling infrastructure on Plymouth's northern corridor, as part of the Woolwell to the George Scheme, which is a specific action within the CEAP. The scheme will also open up new routes to the Woolwell area for public transport via Woolwell Crescent and will help improve the reliability of bus services enabling to better meet the timetabled information.



- 4.2.3 The scheme will result in the loss of some trees which border the current A386 which unfortunately is unavoidable in all scenarios due to the need to widen the road and provide the new signalled junction at Woolwell Rd. However, the scheme will include new landscaping and planting, including new trees to mitigate the loss, and provide an overall increase in biodiversity.
- 4.2.4 The scheme helps the Council with the climate emergency agenda as without it, the performance of the transport network on the Northern Corridor will further deteriorate across all modes, including buses. 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. The scheme provides an additional 100 spaces to help meet the current and suppressed demand.
- 4.2.5 The Scheme provides a significant improvement in walking and cycling facilities on a key section of Plymouth's Strategic Cycle Network and provides a direct link to the new development at WUE. Without this, the Council's aspirations for increased travel by active modes, which are central to the JLP and Plymouth's Transport Strategy, will be difficult to achieve.

## 5 Anticipated Timeframes

### 5.1 Programme & Next Steps

5.1.1 The high-level programme for Phase 1, Woolwell Crescent Junction can be viewed below:

Activity	Timescale
Complete Pre-construction, including Detailed Design & traffic management	March 2024
Tendering of construction packages.	March – May 2024
Construction contract award	Mid to late May 2024
Start of works	June / July 2024 (approx. 12 months duration)

5.1.2 The high-level programme for Phase 2, The George to Woolwell Road can be found below:

Activity	Timescale
CPO Resolution	March 2024
Land negotiations and acquisitions	Ongoing
Complete Pre-construction, including Detailed Design & traffic management	Summer 2024
Construction	Autumn 2024 (approx. 19 months duration)