

Cabinet Member Decision

9 March 2018

ACQUISITION OF LAND FOR A4440 WORCESTER SOUTHERN LINK ROAD

Relevant Cabinet Member	Dr Ken Pollock
Relevant Officer	Director of Economy and Infrastructure
Local Member(s) – if appropriate	Mr T Wells, Mr S Mackay, Mr P Middlebrough
Recommendation	<p>1. The Director of Economy and Infrastructure recommends that the Cabinet Member with Responsibility for Economy and Infrastructure:-</p> <p>(a) authorises the acquisition of the land required for Phase 4 of the A4440 Worcester Southern Link Road Scheme ("the Scheme") as shown coloured pink and the rights over the land as shown coloured blue on the attached plan (Appendix B) (together the Land) including the making of Compulsory Purchase Orders (CPO) in respect of any or all of the Land as considered necessary;</p> <p>(b) authorises the Director of Commercial and Change in consultation with the Cabinet Member with Responsibility for Economy and Infrastructure to acquire by negotiation any further land and rights that may be required in relation to the Scheme; and</p> <p>(c) agrees in principle the draft Statement of Reasons set out at Appendix C and authorises the Director of Economy and Infrastructure in consultation with the Cabinet Member with Responsibility for Economy and Infrastructure to decide upon and finalise the details of any CPO and Statement of Reasons in relation to the Land that must accompany any CPO submitted for confirmation to the Secretary of State for Transport</p>

Background Information

2. On 2 February 2017 Cabinet authorised the acquisition of the land and rights required for Worcester Southern Link Road Phase 4 as shown on the attached plan (Appendix A) including the making of Compulsory Purchase Orders (CPO) in case it was not possible to acquire the land by negotiation.
3. Since this time a contractor has been appointed and a planning application for the scheme has been submitted. As part of the development of the scheme, there are now some changes to the land requirements to that presented to the February 2017 Cabinet. The land which is now necessary is shown coloured pink and rights over land shown coloured blue (including permanent rights shown in blue hatch) on the plan in Appendix B ("the Land Acquisition Plan"). Authority is now sought to acquire the land and rights set out in this Land Acquisition Plan including the making of Compulsory Purchase Orders (CPO) in case it is not practicable to acquire the land by negotiation. The authority to make this decision was delegated to the Cabinet Member with Responsibility for Economy and Infrastructure on 9 January 2018.
4. Authority is also requested that any further land and rights requirements beyond those shown in the Land Acquisition Plan can be approved by the Director of Commercial and Change in consultation with the Cabinet Member with Responsibility for Economy and Infrastructure insofar as it is practicable to acquire them through negotiations.
5. The relevant landowners and tenants were approached at an early stage of the scheme, and have been consulted throughout the planning application. The Council has engaged Place Partnership to act on its behalf in negotiations with agents of affected businesses and landowners. However, if acquisition of land and rights required is not practicable by agreement, it may be necessary to compulsorily purchase these. This could include:
 - (a) Land acquisition
 - (b) Acquisition of temporary rights required to construct the Scheme
 - (c) Acquisition of permanent rights required to construct the Scheme and enable future

Date of meeting 29 January 2018

Page No.

maintenance of Council assets.

6. Following the negotiations and development of the Scheme since 2 February 2017, the appended draft Statement of Reasons (Appendix C) has been prepared. The purpose of the Statement of Reasons is to fully explain the justification for making a Compulsory Purchase Order. The final document is actually required at the stage of seeking confirmation of the Order, and so authority is requested for the Director of Economy and Infrastructure in consultation with the Cabinet Member with Responsibility for Economy and Infrastructure in effect to make such amendments to the draft as may be necessary in order to finalise the Statement of Reasons.
7. As the making and confirmation of a Compulsory Purchase Order can be a lengthy process, it is proposed to make the Order(s) at an early stage rather than wait for the outcome of negotiations which may themselves be protracted. However, negotiations will, of course, continue notwithstanding the making of the Order.
8. The amendments to the land acquisition requirements (since Cabinet approval on 2 February 2017) including the reason for change are outlined in Appendix D

Legal, Financial, HR and Equality Implications

Legal Implications

9. The Council has powers under the Highways Act 1980 to widen and dual roads. The SLR Dualling is also being promoted and delivered as a scheme under general powers of wellbeing and promotion of economic prosperity, and statutory obligations under the Transport Act 2000. Delivery will be subject to Commons, Planning and Highway and Utilities legislation both for obtaining statutory consents and securing relevant developer contributions to financing.
10. The Council's adopted policies provide the relevant framework for procurement and implementation.
11. Land acquisition is being taken forward by negotiation (where possible) by the Council's advisor Place Partnership underpinned by Compulsory Purchase Powers to ensure the necessary land is acquired. These processes are normal for such significant and complex projects. A compelling case in the public interest must be shown for compulsory acquisition of land or rights. This is explained in the draft Statement of Reasons at Appendix C and is considered to be justified for the

reasons set out. The land requirements are shown in Land Acquisition Plan set out at Appendix B.

Financial Implications

12. The scheme achieved DfT Programme Entry on 1 November 2017 and secured £54.5m of DfT funding subject to the completion of all statutory processes. The remainder of the funding comprises local contributions, (e.g. S106 contributions).
13. The most significant financial implication arises in the event that the scheme becomes undeliverable due to the inability to secure relevant consents or full approval of the DfT funding, with the consequence that monies expended up to that point will be abortive. Assuming funding (both DfT and S106 contributions) is secure, the principal financial implications should be cash-flow, particularly relating to phased funding streams, and the financing cost associated with any negative periods in the cash-flow model.

Public Health Implications

14. Health implications of transport proposals can be identified by assessing changes in the opportunities for increased physical activity through cycling and walking. The scheme includes the upgrade of the footway to the north of A4440 Temeside way to a footway/cycleway, provision of a pedestrian/cyclist footbridge on the western side of Powick Roundabout and the upgrade of the grade separated pedestrian route at Ketch roundabout. Increased vehicle speed and flow on the new carriageway as a result of the scheme may exacerbate fear of accidents for cyclists and pedestrians, however, the proposed footway/cycleway along A4440 Temeside Way will be set-back further from the carriageway than at present and, for the majority of Temeside Way (excluding the bridges) a safety barrier will be put in place separating traffic from pedestrians and cyclists. In summary, the scheme is likely to have a slight positive impact to physical activity.

Equality and Diversity Implications

15. An Equality Impact screening was completed in November 2016 and included the documentation provided to Cabinet on 2nd February 2017. Based on the screening an Equality Impact Assessment (EIA) is not required for this scheme.

Date of meeting 29 January 2018

Page No.

Supporting Information

- Appendix A Drawing ref: 473946 – 06-CI-DR-0050
- Appendix B Drawing ref: SLR4-BUR-ALL-HWY-DR-CH-101004-3 the Land Acquisition Plan
- Appendix C Draft Statement of Reasons
- Appendix D Land Acquisition Requirements

Contact Points

County Council Contact Points

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or Minicom: Worcester (01905) 766399

Specific Contact Points for this report

Rachel Hill, Strategic Commissioner
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Background Papers

In the opinion of the proper officer (in this case the Director of Economy and Infrastructure Services) the following are the background papers relating to the subject matter of this report:-

- Worcester Transport Strategy and Local Transport Plan 3
- Papers and Minutes of Cabinet held 2 February 2017
- Acquisition of Land for A4440 Worcester Southern Link Road; Delegation to Cabinet Member with Responsibility for Economy and Infrastructure, dated 9 January 2018