

Appendix 6.4

Staffordshire County Council Cabinet
Report, November 2014



Cabinet Meeting on 19 November 2014

Stafford Western Access Route

Mark Winnington, Cabinet Member for Economy, Environment and Transport said:

“This summer the Government’s Growth Deal announcement delivered a massive boost for Staffordshire people and businesses.

“As a county council we have led the way in bringing jobs and growth across the county and this investment of more than £80million for ourselves and our neighbours in Stoke-on-Trent recognises the significant achievements made in recent years.

“The fresh funding for projects such as the Stafford Western Access Route will aid growth, ease congestion and support the development of much needed homes in the flourishing and expanding county town.”

Report Summary:

The Stafford Western Access Route is shown on the plan at Appendix 1 and comprises three distinct parts (A,B and C).The county council has identified the funding for and is committed to the delivery of sections A and B, with landowners and developers being required to deliver and fund section C.

The Stafford Western Access Route will, if delivered in its entirety, connect A518 Newport Road with A34 Foregate Street, removing traffic from congested town centre roads, benefiting business and allowing better access to new housing in the West of Stafford. Provision of the route will help to ensure that planned development identified in Stafford Borough Council’s Adopted Local Plan (The Plan for Stafford Borough) can be made acceptable in transport terms. Planning consent is required for the scheme which is expected to be achieved in 2015. The proposed construction period is April 2016 to June 2018.

On July 7 2014, the Government announced funding for sections A and B of the Stafford Western Access Route as part of an £82.2 million growth deal for Staffordshire and Stoke-on-Trent Local Enterprise Partnership. The total current

growth deal allocation for Sections A and B of the route is in the region of £24.3 million, together with a £2 million allocation from the County Council.

Since the funding announcement, the business case for the scheme has progressed substantially and will be published later this year. The final cost of the scheme will be confirmed in January 2016. Section C could be delivered through a planning or highways agreement funded by third party landowners and/or developers.

The county council will seek to acquire the land to deliver sections A and B of the scheme by negotiation and agreement with the assistance of the District Valuer. If land cannot be acquired in this way then the county council will seek to rely on its powers of compulsory purchase.

It will be necessary for any appropriate landowners and developers to seek to acquire land for section C of the scheme. If this does not happen then the scheme will not include section C. If there are willing and appropriate landowners/developers who cannot reach local agreement, for the purchase of necessary land for section C of the scheme despite all their best endeavours, the county council may use its compulsory purchase powers, provided that, an agreement is entered into which binds all future landowners to indemnify the county council against all of the costs of using its compulsory purchase powers to acquire such land. In short the county council recognises there is value in all sections of the scheme taking place, and to aid success believes it is appropriate to assist others to acquire the land. The landowners and developers will also need to enter into the necessary planning and/or highway agreements to secure the funding for the constructions costs of section C.

Recommendation(s)

I recommend that:

1. Cabinet approves the making by the County Council of the necessary planning applications and other 'orders' needed to deliver sections A and B for the Stafford Western Access Route.
2. Cabinet approves the County Council use of its compulsory purchase powers to facilitate section C of the Stafford Western Access Route, if needed/appropriate and subject to the county council being reimbursed for all costs associated with the Compulsory Purchase Order.
3. Cabinet approves the making by the County Council of: -

- i. Compulsory Purchase Orders under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 in respect of the areas of land shown edged red for sections A and B on Plan 1, appendix 2, (excluding those areas of the existing highway network) on the basis that there is a compelling case in the public interest for making these Orders.
 - ii. Any necessary Side Roads Orders under Section 14 and 125 of the Highways Act 1980 for sections A and B.
 - iii. If appropriate, Compulsory Purchase Orders under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 in respect of the areas of land shown edged red for section C on Plan 2, appendix 3, subject to the county council being reimbursed for all costs associated with the Compulsory Purchase Order.,
 - iv. Any necessary Side Roads Orders under Section 14 and 125 of the Highways Act 1980 for section C
- b. That authority be given to the Director of Democracy, Law and Transformation to make, if necessary, any minor changes to the extent of land to be included in the Orders at (i) and if applicable (ii) or to add to the statutory powers under which the Orders are made prior to publication of the Orders.
- c. That authority be given to the Director of Democracy, Law and Transformation to acquire land for sections A and B of the Stafford and Western Access Route by private treaty on behalf of the County Council.
- d. That authority be given to the Director of Democracy, Law and Transformation to seal the Orders at (i) and if applicable at (ii) and to take all the ancillary or necessary steps, including the publication and service of all statutory notices and presentation of the Council's case at any Public Inquiry, to secure the confirmation of the Orders by the Secretary of State and the vesting of the land in the County Council
- e. That authority be given to the Director of Democracy, Law and Transformation to request confirmation of the Orders at (i) and if applicable (ii) with modifications, if, in the light of new information, it appears expedient for the confirmation of the Orders or any of them.

f. That authority be given to the Director of Democracy, Law and Transformation to acquire all third party interests in the land and properties for sections A and B of the Stafford and Western Access subject to the Orders (whether compulsorily or by agreement) on terms recommended by the District Valuer.

4. Authority be given to the Director Democracy, Law and Transformation, in consultation with the Deputy Chief Executive and Director for Place, to develop, approve and sign legal agreements with landowners and developers to pay for the construction costs, acquire land and indemnify the county council against all costs associated with compulsory purchase orders to deliver Section C.

5. Cabinet review on progress in June 2015.

Local Members Interest	
M Compton	Stafford, Stafford Central
I Hollinshead	Stafford, Stafford North
M Winnington	Stafford, Gnosall and Doxey

Cabinet – 19 November 2014

Stafford Western Access Route

Recommendations of the Cabinet Member for Economy, Environment and Transport

1. Cabinet approves the making by the County Council of the necessary planning applications and other 'orders' needed to deliver sections A and B for the Stafford Western Access Route..
2. Cabinet approves the County Council use of its compulsory purchase powers to facilitate section C of the Stafford Western Access Route, if needed/appropriate and subject to the county council being reimbursed for all costs associated with the Compulsory Purchase Order.
3. Cabinet approves the making by the County Council of: -
 - i. Compulsory Purchase Orders under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 in respect of the areas of land shown edged red for sections A and B on the plans at appendix 2 (excluding those areas of the existing highway network) on the basis that there is a compelling case in the public interest for making these Orders.
 - ii. Any necessary Side Roads Orders under Section 14 and 125 of the Highways Act 1980 for sections A and B.
 - iii. If appropriate, Compulsory Purchase Orders under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 in respect of the areas of land shown edged red for Section C plan 2, appendix 3, subject to the county council being reimbursed for all costs associated with the Compulsory Purchase Order.
 - iv. Any necessary Side Roads Orders under Section 14 and 125 of the Highways Act 1980 for section C

- b. That authority be given to the Director of Democracy, Law and Transformation to make, if necessary, any minor changes to the extent of land to be included in the Orders at (i) and if applicable (ii) or to add to the statutory powers under which the Orders are made prior to publication of the Orders.
 - c. That authority be given to the Director of Democracy, Law and Transformation to acquire land for sections A and B of the Stafford and Western Access Route by private treaty on behalf of the County Council.
 - d. That authority be given to the Director of Democracy, Law and Transformation to seal the Orders at (i) and if applicable at (ii) and to take all the ancillary or necessary steps, including the publication and service of all statutory notices and presentation of the Council's case at any Public Inquiry, to secure the confirmation of the Orders by the Secretary of State and the vesting of the land in the County Council .
 - e. That authority be given to the Director of Democracy, Law and Transformation to request confirmation of the Orders at (i) and if applicable (ii) with modifications, if, in the light of new information, it appears expedient for the confirmation of the Orders or any of them.
 - f. That authority be given to the Director of Democracy, Law and Transformation to acquire all third party interests in the land and properties for sections A and B of the Stafford and Western Access subject to the Orders (whether compulsorily or by agreement) on terms recommended by the District Valuer.
4. Authority be given to the Director Democracy, Law and Transformation, in consultation with the Deputy Chief Executive and Director for Place, to develop, approve and sign legal agreements with landowners and developers to pay for the construction costs, acquire land and indemnify the county council against all costs associated with compulsory purchase orders to deliver Section C.
5. Cabinet review on progress in June 2015.

Report of the Deputy Chief Executive and Director for Place

Reasons for Recommendations:

The county council is developing the detailed design, while assessing the environmental impacts, in order to secure planning consent and deliver Sections A and B of the Stafford Western Access Route. The county council will also seek to progress Section C but will only proceed with this if the necessary funding for construction, land compilation and/or compulsory purchase indemnity are forthcoming. Permission from Cabinet is required to secure the necessary approvals and Orders needed to implement the project.

Background

Stafford Western Access Route is an intrinsic part of the Stafford Borough Integrated Transport Strategy for Stafford for the period to 2031. The full route will help to accommodate future development traffic in Stafford and, in particular, it will provide the appropriate access arrangements to proposed development sites in the West of Stafford that are included in the Adopted Local Plan (The Plan for Stafford Borough). It will also enable the removal of traffic from the town centre, creating improved conditions for bus services, pedestrians and cyclists and opening up further opportunities to provide complementary sustainable transport measures within and to the town centre.

In 2009, a two day public consultation event took place on four different route options. The outcome of the consultation process informed the choice of the final nine intervention options that were assessed and the decision regarding which option should be taken forward as the preferred route. The preferred route (Appendix 1) will see a single carriageway highway between Martin Drive and A34 Foregate Street / Grey Friars Place. It will reduce traffic flows, in particular, on Chell Road, Gaol Square and A34 Foregate Street.

In 2010, the Government made the decision not to allocate the County Council with funding needed to deliver Stafford Western Access Route. This was due to the fact that the value for money assessment in the business case was sensitive to assumptions about development within Stafford. It showed that if uncommitted development did not take place then the scheme would offer low value for money. Since then, The Plan for Stafford Borough has been adopted and development has become more certain. Despite the recession there is clear evidence of continued developer activity in the Stafford urban area.

During the intervening period of 2010 to 2013, the County Council has limited its involvement in the project to that of the examination of The Plan for Stafford Borough. The Adopted Plan for Stafford Borough replaces the Stafford Borough Local Plan 2001 (and all its policies) to provide the planning framework through until

2031 for implementing the Borough Council's aims and objectives that affect the use of land and buildings.

A 2014 refresh of the original 2010 Major Scheme Business Case (MSBC) will be published later in the year which demonstrates a Benefit to Cost Ratio of between 2.6 to 3.5, representing high value for money, and a compelling case for making Compulsory Purchase Orders.

What is Stafford Western Access Route?

The route is a new two lane 7.3m single carriageway, approximately one kilometre in length between Doxey Road and A34 Foregate Street (including Browning Street junction) identified as Sections A and B (Appendix 1). The new road will tie into a further section of new single carriageway road linking Martin Drive and Doxey Road which is to be funded by developers engaged in the delivery of some 2,200 homes in the West of Stafford. This has been identified as Section C.

The most benefits will only accrue if all three sections of the route are delivered but the county council can only construct Section C if the costs of construction are met and the land required is transferred to the County Council or a complete indemnity is given for the costs of a compulsory purchase order

Why is it needed?

Stafford Western Access Route is crucial to providing additional highway capacity to the West of Stafford and will enable the removal of traffic from the town centre, creating improved conditions for bus services, pedestrians and cyclists while opening up further opportunities to provide complementary sustainable transport measures within and to the town centre. It will also help to accommodate future development traffic in Stafford and, in particular, it will improve the access arrangements to development sites in the West of Stafford.

Planning

Stafford Western Access Route will require planning consent, which will be determined by the County Council under Regulation 3 of the Town and Country Planning General Regulations 1992.

Drawing on the 2009 consultation event, a public information event took place on 31 October and 1 November 2014. Detailed drawings and specialist staff were available to provide further information and understanding on the project. Feedback from the information event is currently being evaluated with a view to possibly incorporating into the design where both possible and practical.

Land Acquisition

The County Council is currently mapping all the land ownerships and completing the inventory of land owners. The District Valuer has made initial contact with the some

of the land owners in Section A and will continue to progress with other land owners in Section B.

For all sections, it is intended that the Land Acquisition strategy will operate a parallel process to secure the land needed:

1. The starting point will be to acquire all the land and rights by negotiation and agreement. This is invariably quicker and less complicated than seeking to acquire the land compulsorily.
2. At the same time, make Compulsory Purchase Orders (CPOs) covering all the land to be acquired, under Part XII of the Highways Act 1980 and the Acquisition of Land Act 1981, to ensure that any land that cannot be acquired by agreement can be acquired compulsorily.

The proposed Land Acquisition strategy provides certainty and manages risk. However, if land is secured for Section C through the powers granted by a CPO the County Council could be liable to pay compensation to the affected land owners should this be awarded by a future ruling of the Lands Chamber. Prior to starting the process for Section C, a legal agreement will be secured which indemnifies the County Council against all associated costs in securing the land through the CPO process. Where businesses are affected by the CPO, assistance will be given to identify sites for relocation. No dwellings are required to deliver the route.

Legal Test and Human Rights

The test the Secretary of State applies in deciding if a compulsory purchase order should be confirmed is that of "a compelling case in the public interest". It is considered that this test is met in this case. The benefits of Section A and B of the Stafford Western Access Route are described in this report and fully defined in the emerging business case, and with a number of plots of land being required, it may prove difficult to purchase them all by agreement within an acceptable timescale. Section C of the Stafford Western Access Route would enable access to housing in the West of Stafford and would deliver the most benefits when added to sections A and B. Compulsory purchase powers for section C could be used by the county council to deliver these benefits if local developers cannot acquire land by negotiation but this will be on the basis that local developers pay for this otherwise only sections A and B will be delivered.

A compulsory purchase order impacts upon the human rights of affected land owners. However, where the "compelling case" test is met, such an interference is proportionate and lawful.

Programme

The County Council is currently developing the detailed scheme design while completing environmental impact assessment work. With the completion of the Environmental Statement in April 2015, it is the intention to submit the planning application to the County Council in May 2015, and it is expected that this will be determined positively by September 2015.

The District Valuer has been appointed to engage with land owners, and those with land interests, with the objective of securing land for sections A and B of the scheme. Once planning approval has been obtained, it is envisaged that construction will start in April 2016 with enabling work starting towards the end of 2015.

It is expected that the County Council will serve the Compulsory Purchase Order notice on land owners and those with legal rights in land at the beginning of 2015 in advance of construction starting in April 2016. Sections A and B of the route is expected to be constructed by the early 2018. Section C would be completed 6 months later if the land compilation and indemnity have been secured.

Finance

On July 7 2014 the Government announced funding for Sections A and B of the Stafford Western Access Route project as part of a £82.2 million growth deal for Staffordshire and Stoke-on-Trent. The growth deal allocates £16.1 million to the project; this is in addition to £8.2 million already secured by the Stoke-on-Trent and Staffordshire Local Enterprise Partnership and £2m allocated from the County Council as a 'local contribution'. This gives a total current budget of £26.3 million.

Since the funding announcement, the business case for the scheme has progressed substantially and will be published later this year. The final cost of the scheme will be confirmed in January 2016.

It is envisaged that construction costs associated with Section C will be funded by the developers through a planning or highways Agreement. It should be noted that such agreement would only be likely to be triggered once the developers apply for and obtain planning consent. An early phase of housing accessed initially off Doxey Road will provide a financial contribution to Section C which is to be secured via a Section 106 Agreement with the relevant developer.

Next Steps

Subject to Cabinet approving the recommendations of the Cabinet Member for Economy, Environment and Transport, the County Council will continue to collect the information needed to progress the Compulsory Purchase Order.

In consultation with the Director of Democracy, Law and Transformation, the Deputy Chief Executive and Director for Place, officers will engage with the relevant

landowners and developers (or their agent) to secure an enforceable legal agreement which binds successors in title and which indemnifies the authority against costs associated with the CPO for Section C.

The District Valuer will continue dialogue with affected land owners in order to acquire land by negotiation for Sections A and B. The services of a specialist Compulsory Purchase Order advisor has been secured and continued dialogue will take place. In addition, guidance will be taken from legal Counsel as required.

The detailed design is progressing and it is expected that planning consent will be achieved in 2015. Specialist consultants are undertaking environmental surveys and collating information to inform and prepare the Environmental Statement. On-site investigation work will continue as required, but will be programmed to limit disruption on the highway.

Engineers will continue to develop the estimated costs and explore opportunities for value engineering and generate savings where possible.

List of Background Documents:

ODPM Circular 06/2004 Compulsory Purchase Order

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7691/1918885.pdf
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7691/1918885.pdf

Report Commissioner: James Bailey

Job Title: Commissioner for Highways and the Built County

Telephone No: 01785 276591

Email: james.bailey@staffordshire.gov.uk

Report author: Dean Sargeant

Summary of Community Impact Assessment (including a Health Impact Assessment if applicable) for Stafford Western Access Route – Compulsory Purchase Orders

NOTE: ALL SECTIONS OF THE TABLE ARE MANDATORY AND MUST BE COMPLETED









	Impact Assessment	
SCC's Priority Outcomes & Impact Areas	Impact: (positive / neutral / negative)	Provide brief detail of impact
Prosperity, knowledge, skills, aspirations	Positive	Providing the infrastructure needed to support development in Stafford
Living safely	Positive	The proposals will improve road safety
Supporting vulnerable people	Positive	The project will provide a key piece of infrastructure to ensure vulnerable people have good connectivity to access services
Supporting healthier living	Positive	The proposals will improve walking and cycling links from the west of Stafford to the town centre
Highways and transport networks	Positive	The project will significantly improve the local highway network.
Learning, education and culture	Positive	Development in the west of Stafford will provide opportunities for local people
Children and young people	Positive	The project will provide a key piece of infrastructure to ensure children and young people have good connectivity to local schools

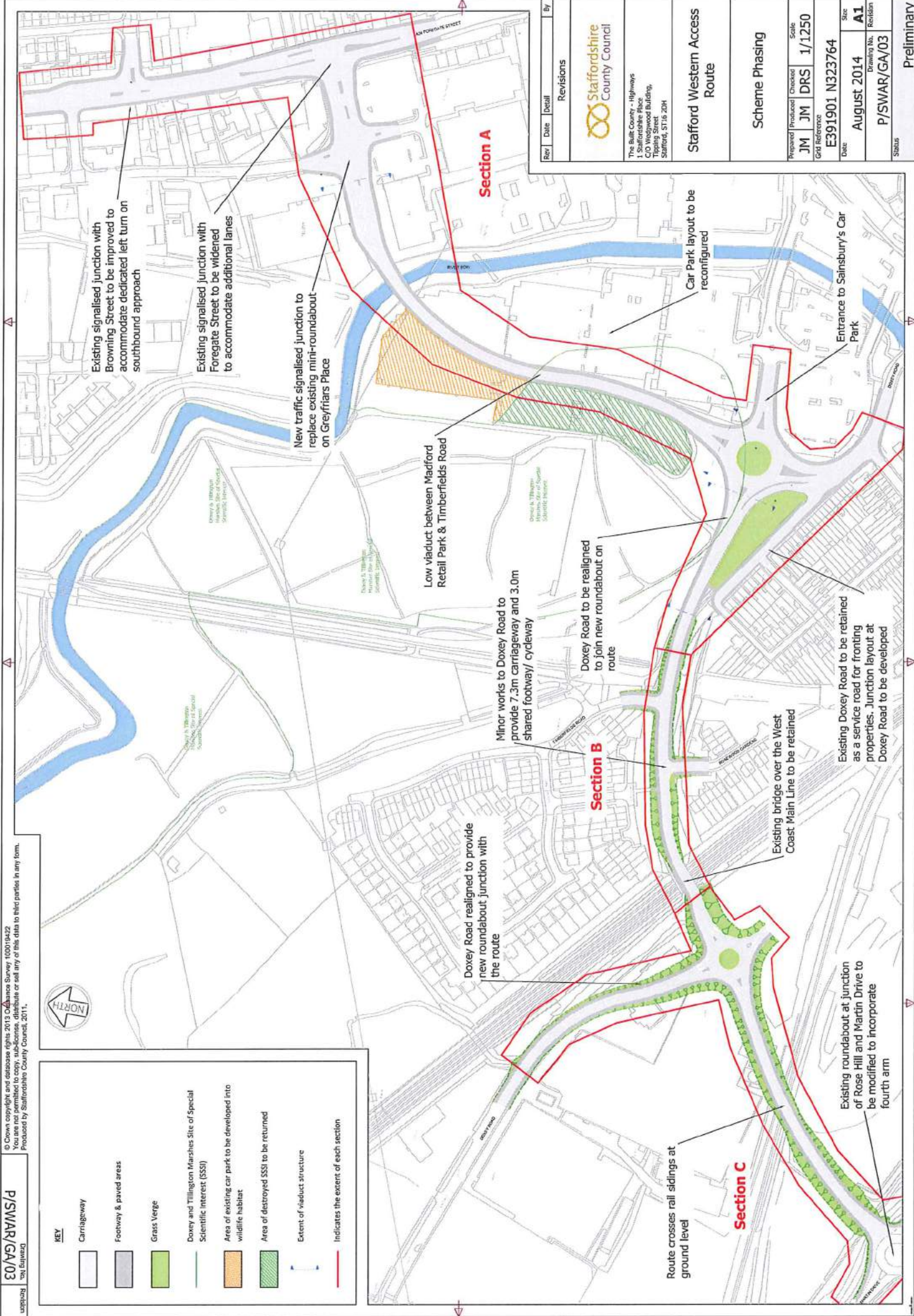
Citizens and decision making, improved community involvement	Neutral	
Physical environment including climate change	Neutral	
Maximisation of use of community property portfolio	Neutral	
Equalities Impact	Impact: (positive / neutral / negative)	Provide brief details of impact
Age	Positive	The project will deliver a key piece of infrastructure that will provide everyone with opportunities to access new housing as well as good connectivity with access to jobs, goods and services,
Disability	Positive	
Ethnicity	Positive	
Gender	Positive	
Religion / Belief	Positive	
Sexuality	Positive	
	Impact / Implications	
Resource and value for money (in consultation with finance representatives)	<p>The total current growth deal allocation for Sections A and B of the route is £24.3 million, together with a £2 million allocation from the County Council. Since the funding announcement, the business case for the scheme has progressed substantially and will be published later this year. The final cost of the scheme will be confirmed in January 2016.</p> <p>As outlined within the report, any costs associated with acquiring land to deliver Section C will be recovered from third party</p>	


	landowners/developers. Costs associated with construction for this section would need to be delivered through a planning and/or highways agreement if section C is to proceed.
Risks identified and mitigation offered (see corporate risk register categorisation)	<p>There is no budget provision for land acquisition or construction of Section C. In addition, there is a risk for the County Council, in serving a CPO notice on land owners within Section C, as this could result in costly compensation. The County Council will therefore only serve a CPO notice for this section if the developer signs a legal agreement to indemnify the County Council against all associated costs.</p> <p>There is a risk of a CPO inquiry which could delay the start of construction if the land is not secured.</p> <p>There is an inherent risk that an inspector at an Inquiry may refuse to confirm any Order associated with a CPO.</p> <p>There is potential for a budget shortfall for sections A and B; this will need to be bridged through either a local contribution or additional funding secured from central Government.</p>
Legal imperative to change if applicable (in consultation with legal representative)	As set out in the Report.

Report Commissioner: James Bailey

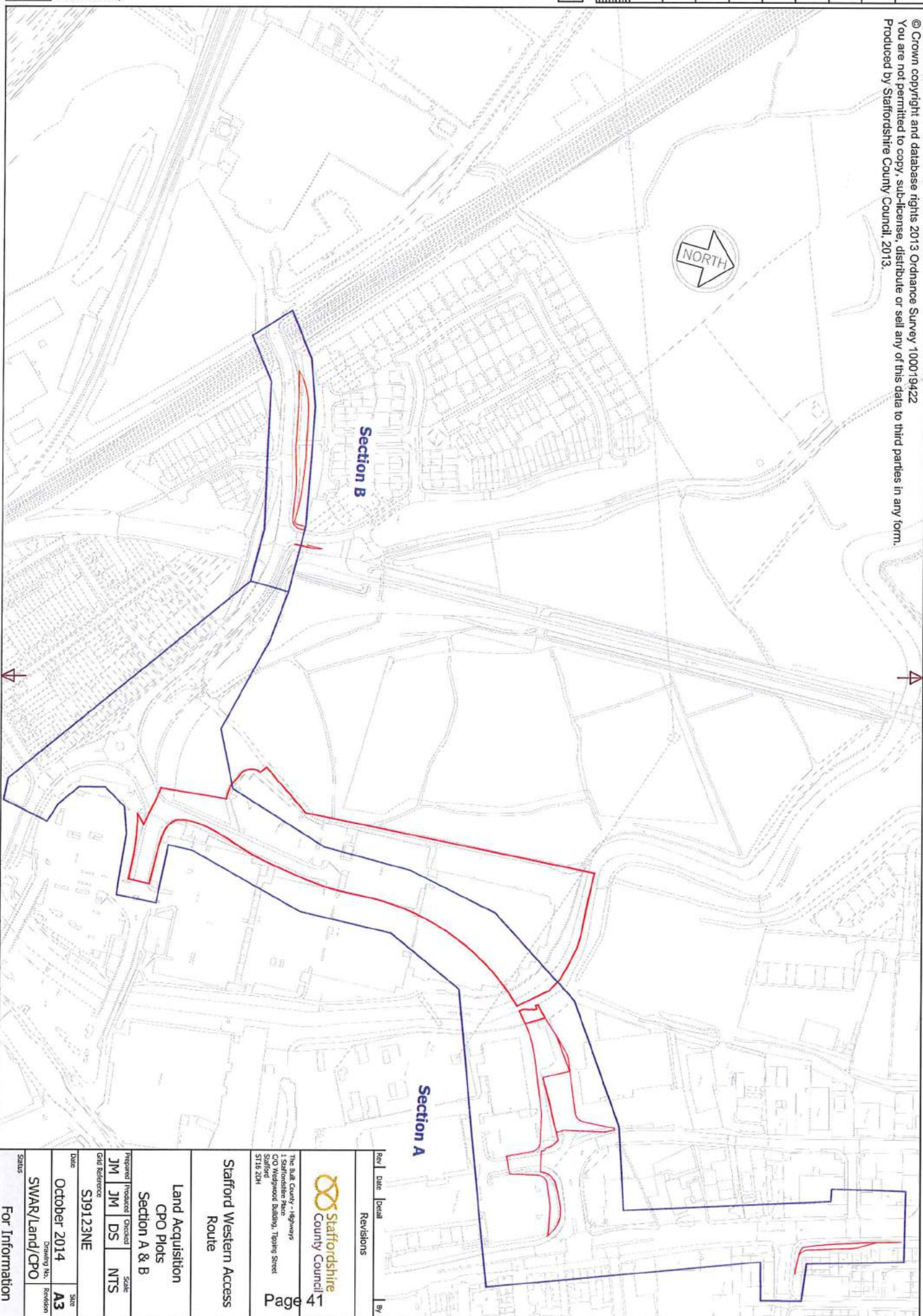
KEY


-  Carriageway
-  Footway & paved areas
-  Grass Verges
-  Doxey and Tillingham Marshes Site of Special Scientific Interest (SSSI)
-  Area of existing car park to be developed into wildlife habitat
-  Area of destroyed SSSI to be returned
-  Extent of viaduct structure
-  Indicates the extent of each section



Rev	Date	Detail	By
Revisions			
 The Staff County - Highways 1 Staffordshire Place C/O Wedgwood Building, Tipping Street Stafford, ST10 2JH			
Stafford Western Access Route			
Scheme Phasing			
Prepared	Produced	Checked	Scale
JM	JM	DRS	1/1250
Grid Reference			
E391901 N323764			
Date			
August 2014			
Size			
A1			
Drawing No.			
P/SWAR/GA/03			
Revision			
Status			
Preliminary			

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Rev	Date	Detail	By
Revisions			
 Staffordshire County Council The Hall, County Buildings 1, Staffordshire Square C/O Wedgwood Building, Trefling Street Stafford ST16 2DH			
Stafford Western Access Route Land Acquisition CPO Plots Section A & B			
Prepared	Produced	Checked	Scale
JM	JM	DS	NTS
Grid Reference: SJ9123NE			
Date	October 2014	Size	A3
SWAR/Land/CPO			
Status: For Information			

