

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

11 SEPTEMBER 2008

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

Regeneration and Transport – Lead Cabinet Member: Councillor R Cook

SOUTHERN GATEWAY COMPULSORY PURCHASE ORDER

1. Summary (expanded report summary)

This report seeks approval to proceed with the acquisition of land on the site of the former Glynn Webb retail site located on the North East corner of the junction between the A1305 and the A1130, known as 'Riverside Roundabout'. Cabinet previously approved Council capital funds in order to secure the acquisition of the site through negotiation with the current site owners. To date the negotiations have not been successful and the acquisition of the site is needed to deliver the highway improvement as part of the Tees Valley Bus Improvement scheme (**Appendix A**). Powers to acquire the property area (**Appendix B**) using a Compulsory Purchase Order under the Highways Act 1980 are required in order for this strategic improvement scheme to proceed.

2. Recommendations

- 1 The principle of securing land outside of the Council's ownership to deliver the Tees Valley Bus Major Scheme is accepted by Members.
- 2 In relation to (1) above, the Director of Law and Democracy be authorised to take all necessary action to secure the acquisition of the land and any necessary rights over the land identified at **Appendix B** or such additional land as may be deemed necessary by the Head of Technical Services for the purposes set out in this report using compulsory purchase powers pursuant to part XII of the Highways Act 1980, as necessary, and the subsequent transfer of the land and rights to the Council by means of a General Vesting Declaration or Notice to Treat.
- 3 Members note that the Corporate Director of Development and Neighbourhood Services, in consultation with the Cabinet Member for Regeneration and Transport, work to support the Compulsory Purchase Order process and then if secured, develop and implement the proposed highway improvement scheme, as previously agreed by Cabinet on 7 September 2006 minute reference 521.

3. Reasons for the Recommendations/Decision(s)

The progress of the Tees Valley Major Bus Scheme, and ability to deliver bus journey time savings, is dependant upon the re-alignment of this critical junction. Member approval is sought to the processing of a Compulsory Purchase Order to enable progress of the re-alignment scheme should negotiation prove unsuccessful.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

AGENDA ITEM

REPORT TO CABINET

11 SEPTEMBER 2008

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

SOUTHERN GATEWAY COMPULSORY PURCHASE ORDER

SUMMARY

This report seeks approval to proceed with the acquisition of land on the site of the former Glynn Webb retail site located on the North East corner of the junction between the A1305 and the A1130, known as 'Riverside Roundabout'. Cabinet previously approved Council capital funds in order to secure the acquisition of the site through negotiation with the current site owners. To date the negotiations have not been successful and the acquisition of the site is needed to deliver the highway improvement as part of the Tees Valley Bus Improvement scheme (**Appendix A**). Powers to acquire the property area (**Appendix B**) using a Compulsory Purchase Order under the Highways Act 1980 are required in order for this strategic improvement scheme to proceed.

RECOMMENDATIONS

- 1 The principle of securing land outside of the Council's ownership to deliver the Tees Valley Bus Major Scheme is accepted by Members.
- 2 In relation to (1) above, the Director of Law and Democracy be authorised to take all necessary action to secure the acquisition of the land and any necessary rights over the land identified at **Appendix B** or such additional land as may be deemed necessary by the Head of Technical Services for the purposes set out in this report using compulsory purchase powers pursuant to part XII of the Highways Act 1980, as necessary, and the subsequent transfer of the land and rights to the Council by means of a General Vesting Declaration or Notice to Treat.
- 3 Members note that the Corporate Director of Development and Neighbourhood Services, in consultation with the Cabinet Member for Regeneration and Transport, work to support the Compulsory Purchase Order process and then if secured, develop and implement the proposed highway improvement scheme, as previously agreed by Cabinet on 7 September 2006 minute reference 521.

DETAIL

- 1 The Tees Valley Bus Network Improvement scheme is based on the development of high demand, high quality links – known as 'Core Routes' – to and between the main centres in the sub-region. It is estimated that, across the Tees Valley as a whole, the scheme will increase patronage across the core commercial network by around 7% by 2016.
- 2 Within Stockton-on-Tees Borough, the proposed scheme is focused on a series of nine Core Routes. On each route, a comprehensive package of infrastructure improvements will be introduced, together with frequent, reliable bus services operated by high quality, easy

access vehicles. Because of its strategic location, the Southern Gateway forms a crucial component of the scheme, reducing journey times and improving reliability on two of the Core Routes and ensuring that these benefits are 'locked in' as general traffic levels rise in future years.

- 3 A Major Scheme Business Case, developed in partnership with the Tees Valley Joint Strategy Unit and the local bus operators, was submitted to the Department for Transport in February 2008, and the Department's decision is expected by the end of September 2008. If approved, works to deliver the scheme 'on the ground' will commence in early 2009, with completion envisaged by mid-2011.
- 4 As part of the scheme development for this particular junction improvement, extensive traffic modelling has been carried out to define the optimum layout to accommodate the proposed Core Routes between Stockton, Thornaby and Middlesbrough. This exercise concluded that a new signalised four-way junction was required to maximise bus journey time savings and ensure the safe and expeditious movement of traffic in and around Stockton Town Centre. **Appendix B** shows the proposed junction arrangement.
- 5 The existing roundabout currently has the worst safety record of all junctions on the local road network, with ten recorded injury accidents over the last three years.
- 6 In addition to the junction improvement scheme, the Council has an active agenda to deliver regeneration proposals to the Southern Gateway to the town. Wider economic development opportunities for southern gateway, including land assembly are being considered by Officers. Delivery of the junction improvement scheme will also harness further opportunity to redevelop the Southern Gateway, a key Regeneration priority site, as set out in the Stockton Town Centre Action Plan.
- 7 A planning application for the proposed junction improvement scheme has recently been submitted by the Head of Technical Services. The application seeks consent for a new highway to be constructed as shown in **Appendix B**.
- 8 The delivery of the Tees Valley Bus Network Improvements has been programmed over a three-year period. Should the business case be accepted by the Department for Transport in September 2008, it is anticipated that 'Year 1' will be 2008/09. The proposed junction improvement scheme is planned for construction in 'Year 3', or 2010/11, although preparatory works and advance utility diversions will be required in 'Year 2' (2009/10) in advance of the main contract. Both the advance works and the main contract require land currently outside of the Council's control in order to proceed.
- 9 Acquisition of the land shown in **Appendix B**, is therefore critical to the delivery of this Tees Valley wide scheme to improve the Bus network and associated journey time savings. Negotiations with the current owner to date have been unsuccessful and therefore the process for acquisition using compulsory purchase powers is needed to commence in the later part of 2008. Local Authorities have a power under the Highways Act 1980 to acquire land compulsorily for the construction or improvement of a highway.
- 10 The Head of Technical Services will continue to try to acquire the premises by agreement whilst also progressing the Compulsory Purchase Order, due to the potential time delays in the statutory procedure for obtaining the order and acquiring the land compulsorily.
- 11 The Glynn Webb site which currently occupies the land required for the Major Scheme is vacant and despite being marketed has remained so for in excess of 12months. The Council has taken this into consideration in balancing any impact on the owners or occupiers of the land and the need to carry out the works of construction or improvement to the highway.

FINANCIAL IMPLICATIONS

The funding to secure the full land acquisition of this site was previously approved by Cabinet on 20 December 2007, with an SBC capital contribution of up to £4M and a ONE Northeast contribution of up to £8M also approved by their board. The estimated market value of the part site (**Appendix B**) required to deliver the road scheme (**Appendix A**) is significantly below this level.

The funding to deliver the road scheme, is included within the business case for the major scheme and if approved, will be met by Central Government.

LEGAL IMPLICATIONS

The Compulsory Purchase Order process, utilising the Highways Act 1980, requires a complex legal process. The Director of Law and Democracy would lead this process and provide appropriate advice to Council Officers and Members.

If no objections are made to the CPO the Council can confirm it themselves. If objections are received the Order is submitted to the Secretary of State for confirmation and a Public Inquiry is likely to be held. This can take up to 12 months to determine.

RISK ASSESSMENT

The subject matter of this report is categorised as low to medium risk as it only relates to whether the Compulsory Purchase Order is successful or not. The Council can also withdraw from the process at any time should negotiations prove successful.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

Economic Regeneration and Transport

Securing this area of land currently outside the ownership of the Council will enable the existing transport links to be enhanced and strengthened by the re-alignment of the highway. Improved transport networks is a key ambition within the Community Strategy and gives residents and commuters opportunity to use an enhanced public transport and highway network system towards the south of the town centre.

Safer Communities

Through the Local Transport Plan, there is an ongoing capital investment on improving safety for public transport users. CCTV on buses is now common across all of the fleets operating in Stockton. Stockton is also installing CCTV systems in shelters. As well as the five trial sites installed 2007/08, a further 20 systems are being installed in 2008/09 in co-operation with Cleveland Police. Twenty systems have been installed to date. The Tees Valley Bus Network Improvement Scheme will accelerate the programme of CCTV in Bus Shelters.

Children and Young People

Children and Young People are important users of public transport. By improving the journey time and efficiency of key bus corridors they are more likely to be encouraged to continue to use public transport in their early adult life.

Healthier Communities and Adults

The proposed public transport improvements should lead to increased bus frequencies that will, in turn, improve access to health and other key services. Public Transport helps to address the access needs of the community, in particular, those without access to a car.

Environment and Housing

Promotion of public transport as an alternative to the private motor car will reduce traffic related air pollution.

EQUALITIES IMPACT ASSESSMENT

Not applicable.

CORPORATE PARENTING

Not applicable.

CONSULTATION INCLUDING WARD/COUNCILLORS

No extended consultation is required regarding a CPO, at this stage, as the impact is restricted to the current landowner who is aware of our intentions. The Tees Valley Bus Network Improvement Scheme will be subject to detailed consultation when the scheme commences.

Name of Contact Officer: Richard McGuckin
Post Title: Built and Natural Environment Manager
Telephone No. 01642 526765
Email Address: richard.mcguckin@stockton.gov.uk

Background Papers

Southern Gateway Cabinet Report 20/12/2007
Tees Valley Bus network Improvements submission for funding

Ward(s) and Ward Councillors

Stockton Town Centre : Cllrs Coleman and Kirton

Property (<http://sbcintranet/library/64521/RES/Capital.doc?view=Display>)