

Statement of Reasons

Highways Act 1980

Acquisition of Land Act 1981

**The Warrington Borough Council (Warrington
Waterfront - Centre Park Link) Compulsory
Purchase Order 2018**

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THE WARRINGTON BOROUGH COUNCIL (WARRINGTON WATERFRONT - CENTRE PARK LINK) COMPULSORY PURCHASE ORDER 2018

STATEMENT OF REASONS FOR MAKING THE COMPULSORY PURCHASE ORDER

1. INTRODUCTION

- 1.1 This is the Statement of Reasons (the "Statement") of Warrington Borough Council (the "Acquiring Authority") to support the making of the Warrington Borough Council (Warrington Waterfront - Centre Park Link) Compulsory Purchase Order 2018 (the "Order").
- 1.2 In preparing this Statement, the Acquiring Authority has endeavoured to provide sufficient information so that its reasons for making the Order can be properly understood.
- 1.3 This Statement has been prepared in accordance with:
 - 1.3.1 Department for Communities and Local Government "Guidance on Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion" (October 2015) ("the Guidance");
 - 1.3.2 Department of Transport Circular 1/97 "Highways Act 1980: Orders Under Section 14 of the Highways Act 1980 and Opposed Orders Under Section 124 of that Act" (June 1997); and
 - 1.3.3 Department of Transport Circular 2/97 "Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State for Transport is the Confirming Authority" (June 1997).
- 1.4 The Acquiring Authority's purpose in seeking to make the Order is to facilitate the improvement of an existing, partially adopted, highway, together with an extension to it, creating a new highway link from Wilson Patten Street to Chester Road via a new road bridge over the River Mersey, known as the Centre Park Link (the "Scheme"). The Scheme also comprises new traffic regulations, managing the movement of traffic through the Scheme and immediately adjacent parts of the Town Centre.
- 1.5 The Acquiring Authority considers the proposed new highway to be a Borough priority, as it is an opportunity to ease congestion, improve travel times and encourage private development in the area.
- 1.6 The land proposed to be compulsorily acquired under the Order ("the Order Land") covers an area of land within the Centre Park area to the south of Warrington Town Centre, and includes strips of commercial land and premises adjacent to Slutchers Lane, together with land and property to the west of Chester Road (A5060), close to the junction with Gainsborough Road. The Order also includes open land adjacent to the River Mersey.
- 1.7 The Centre Park Link is framed generally by Wilson Patten Street (part of the Warrington ring road) to the north, Centre Park Business Park, Spectra Business Park, commercial premises and open space to the east, Chester Road (A5060) to the

south-east, the River Mersey to the south, and the railway line serving Warrington Bank Quay station to the west.

- 1.8 The full extent of land to be acquired is set out in greater detail in Section 7, and identified on the map accompanying the Order (the "Order Map") at Appendix 1. The land required for the entirety of the Scheme, including but not limited to the Order Land, is referred to throughout this Statement as the Site and is identified on the Site Plan appended at Appendix 2.
- 1.9 On 10 October 2016, the Executive Board of the Acquiring Authority resolved to make the Order (Appendix 3), reserving to officers delegated powers to refine the Order and its associated ancillary documents. The Acquiring Authority has been making significant steps to acquire the land needed by private treaty agreement and, whilst doing this, has retained in reserve the ability to bring forward compulsory purchase powers. Given the passage of time and the need to facilitate the Scheme coming forward, it has now become apparent that the Order must be progressed in parallel to ongoing negotiations, and subsequently submitted for confirmation to the Secretary of State for Transport ("the Secretary of State"), in order to facilitate the construction of the Scheme. As an update to the 10 October 2016 Executive Board approval, the Council by way of two Officer's Decision Notices (Appendix 3) dated 28 June 2018 and 29 June 2018 respectively, changed the year in the reference of the Order from '2016' to '2018' and approved the form of Order and Statement of Reasons, save for necessary modification.
- 1.10 In reaching the decision to make the Order, the Acquiring Authority has had full regard to the Human Rights Act 1998 and is satisfied that any interference is reasonable and proportionate. Human rights issues are dealt with in detail in Section 10 of this Statement.
- 1.11 Department of Transport Circular 2/97 provides guidance on compulsory purchase orders for highway Schemes and states that the Secretary of State will not confirm a compulsory purchase order until he is satisfied that planning permission for the Scheme, to which the order relates, has been granted. As noted in Section 6 of this Statement, planning permission for the highways alterations and improvements to Slutchers Lane and Chester Road was granted on 18 May 2017 (permission reference 2017/29897).
- 1.12 The Order seeks to acquire all legal interests in the land coloured pink on the Order Map, and new rights in the land coloured blue on the Order Map as specified in the Schedule to the Order ("the Order Schedule"), which is appended at Appendix 4.
- 1.13 The Acquiring Authority is satisfied that the implementation of the Scheme requires the acquisition of the land and new rights, as set out in the Order, Order Map and Order Schedule. The Acquiring Authority has made the Order to facilitate the implementation of the Scheme.
- 1.14 The Acquiring Authority already owns or has acquired a substantial part of the Site required for the Scheme and is satisfied that the implementation of the Scheme requires the acquisition of the remaining land and property interests, as set out in the Order and Order Schedule. The Acquiring Authority has made the Order to facilitate

implementation of the Scheme. The Acquiring Authority has sought to notify all of those who have a legal interest in any of the land included within the Order and to acquire all of these interests by agreement where possible. It is clear, however, that compulsory purchase powers must be employed in this case in order to secure the delivery of the comprehensive redevelopment proposals within a reasonable and realistic timescale.

1.15 In summary, this Statement:

- 1.15.1 identifies the statutory powers under which the Order is made (Section 2);
- 1.15.2 sets out the local context and background to the Scheme (Section 3);
- 1.15.3 provides details of the Site and a description of the Scheme (Section 4);
- 1.15.4 sets out the alternatives to the Scheme that have been considered (Section 5);
- 1.15.5 describes the current planning position and strategic support for the Scheme (Section 6);
- 1.15.6 describes the Order Land (Section 7);
- 1.15.7 explains the need for the Order together with details of negotiations with landowners (Section 8);
- 1.15.8 sets out how the Scheme is to be financed and timescales for implementation (Section 9);
- 1.15.9 deals with Human Rights issues (Section 10);
- 1.15.10 sets out the Related Orders and Special Category Land (Section 11) and;
- 1.15.11 sets out the arrangements for the inspection of documents and contact details for further information (Section 12).

2. STATUTORY POWERS UNDER WHICH THE ORDER IS MADE

- 2.1 The Guidance published by the Department for Communities and Local Government (now the Ministry of Housing, Communities and Local Government) in October 2015 (and updated in February 2018) provides the latest advice in connection with the use of compulsory purchase powers.
- 2.2 In accordance with the Guidance, the purpose for which an authority seeks to acquire land will determine the statutory power under which compulsory purchase is sought. Paragraph 11 advises that acquiring authorities should look to use *'the most specific power available for the purpose in mind, and only use a general power when a specific power is not available.'*
- 2.3 The Acquiring Authority has been seeking to negotiate the acquisition of the legal interests in the Site required for the proposed Scheme by agreement, and has been successful in acquiring some key elements of the Site; however, a substantial part of the Site is still within private ownership and negotiations have not been fruitful to date. The Acquiring Authority is, therefore, utilising its powers under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 (the "1980 Act") and Schedule 3 to the Acquisition of Land Act 1981, for the acquisition of all of the remaining interests and new rights in the Order Land, required to facilitate the improvement of the highway.
- 2.4 Sections 239 and 240 relate to general powers of highway authorities to acquire land for the construction and improvement of highways. Section 246 provides a power to acquire land for mitigating the adverse effects of constructing or improving highways. Section 250 provides that land acquisition powers may extend to creation as well as acquisition of rights, and Section 260 relates to the clearance of title to land acquired for statutory purposes.
- 2.5 The powers in the 1980 Act enable the Acquiring Authority to acquire land and new rights compulsorily for the following purposes:
 - 2.5.1 the construction of a new highway, maintainable at the public expense and linking Chester Road (A5060) and Slutchers Lane;
 - 2.5.2 the construction of a new road bridge over the River Mersey from Chester Road, just north of Gainsborough Road, where it would join onto an extended Slutchers Lane;
 - 2.5.3 the improvement of the existing highway at the junction of Wilson Patten Street and Slutchers Lane, including a widened carriageway to allow for two-way traffic;
 - 2.5.4 the carrying out of drainage works in connection with the construction of highways;
 - 2.5.5 the improvement or development of frontages to a highway or of the land adjoining or adjacent to that highway;
 - 2.5.6 use by the Acquiring Authority in connection with the construction and

improvement of highways and the provision of new means of access as aforesaid;

- 2.5.7 the mitigation of any adverse effects which the existence or use of any highway proposed to be constructed by the Acquiring Authority.
- 2.6 In accordance with paragraph 2 of the Guidance, the Acquiring Authority is using its powers to compulsorily acquire the remaining interests as a matter of last resort, and efforts to acquire interests by private treaty will continue in parallel with this process during the course of the compulsory purchase order process.
- 2.7 Having regard to the nature of the proposals and the advice set out in the Guidance, the Acquiring Authority is satisfied that the powers available to it under the 1980 Act are the most appropriate powers to use in order to achieve its objectives.
- 2.8 The Acquiring Authority has taken full account of the Guidance in making this Order.

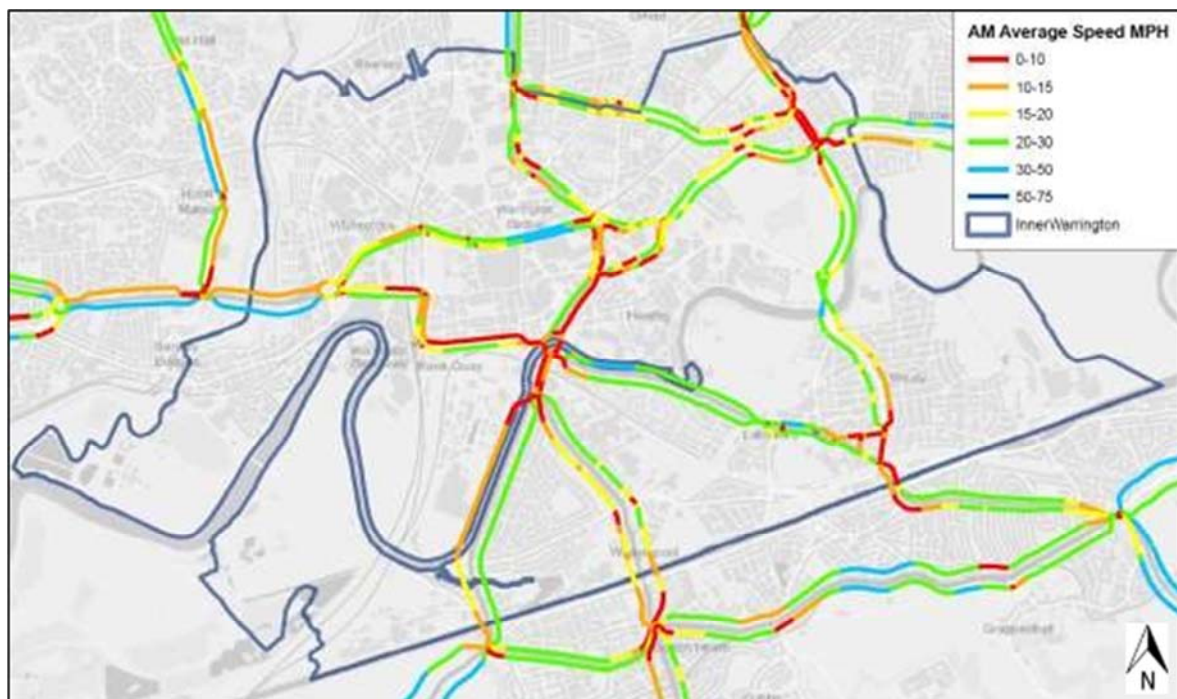
3. LOCAL CONTEXT AND BACKGROUND TO THE SCHEME

- 3.1 Warrington is a well-connected economy, sitting at the heart of the strategic road and rail network. It is serviced by nationally significant motorways, with the M6 immediately to the east and bordered on other sides by the M62 (to the north) and the M56 (to the south), providing good access to all parts of the region and beyond.
- 3.2 Despite the good strategic connections, inner Warrington suffers from a congested highway network and limited road connections around the Town Centre. This exacerbates a number of problems, which support the need for intervention for this Scheme, as identified within this Section 3.

Traffic Delay

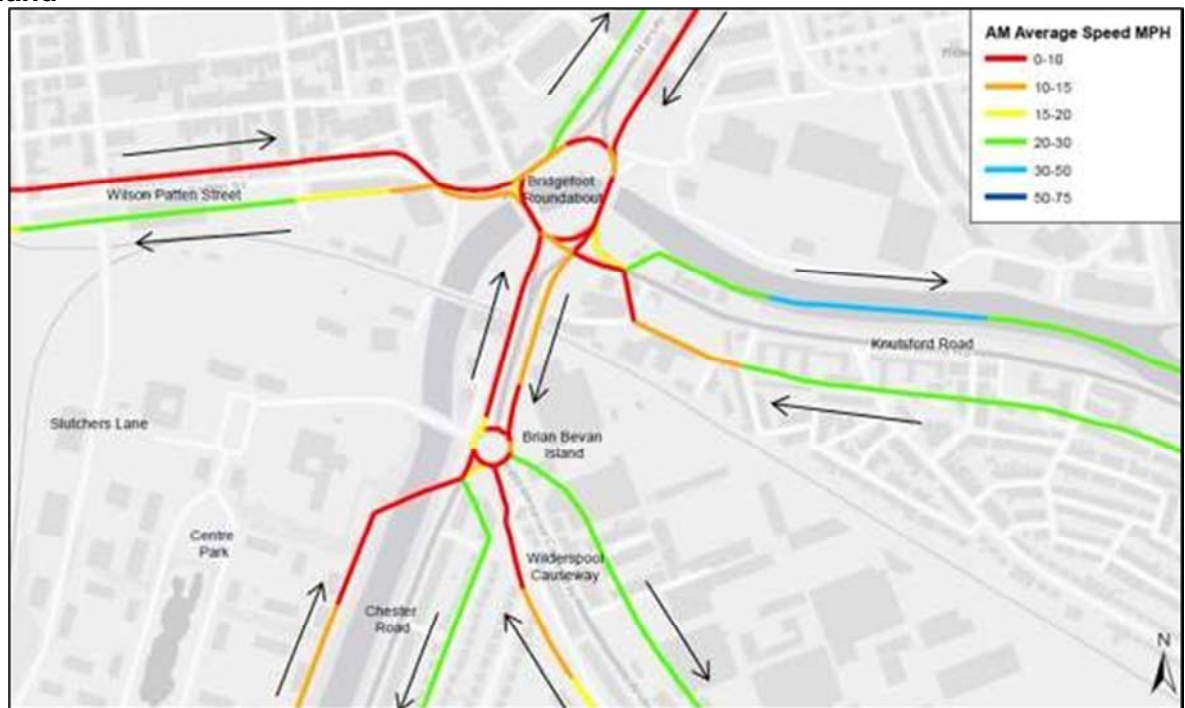
- 3.3 Figures 1 and 2 (below), which are taken from the Centre Park Link Scheme Outline Business Case ("OBC") for Conditional Approval (April 2017) (Appendix 5), clearly highlight that traffic congestion, and its effect on journey reliability, are an issue for inner Warrington, with Bridgefoot roundabout and Brian Bevan Island clear pinch points, with average speeds below 10mph on many key routes.
- 3.4 A lack of route choices through the Town Centre causes delay, especially for traffic travelling north-south and vice-versa. Those travelling along Chester Road and Wilderspool Causeway are forced to utilise the limited crossing opportunities over the River Mersey at Bridgefoot Gyratory.

Figure 1: AM Peak Traffic Delay (7.30-9.30am)



OS Data © Crown copyright and database rights 2015
Source: Trafficmaster GPS, 2013-14 (excl. school holidays)

Figure 2: AM Peak Traffic Delay – Bridgefoot Roundabout and Brian Bevan Island



OS Data © Crown copyright and database rights 2015
 Source: Trafficmaster GPS, 2013-14 (excl. school holidays)

Journey to Work

- 3.5 Journey to work data¹ has been reviewed for the area covering Centre Park Business Park, Warrington Bank Quay railway station, Palmyra Cultural Quarter, Warrington Central railway station and Warrington Town Centre. The data revealed that the vast majority of those travelling to this area use the car (67% Driver; 8% Passenger; 1% Taxi); while a further 15% use public transport and 9% active modes (pedestrian and cycle). This is despite Warrington Town Centre including a strong public transport provision in the form of Warrington Bank Quay Station, Warrington Central Station, and Warrington Bus Interchange.
- 3.6 To ensure the study area remains a productive centre for employment, there is a requirement for investment in road based infrastructure such as the Centre Park Link Scheme to mitigate existing congestion issues; as well as providing supporting pedestrian links to reduce severance between Centre Park and the Town Centre for local based trips.

Traffic Counts

- 3.7 Warrington Town Centre, and its surrounding areas, carries high numbers of vehicles on key highway routes (Table 1 below). These highway routes are considered key to the expedient movement of traffic. The proposed Centre Park Link Scheme has the potential to reduce the amount of inappropriate routing within the Palmyra Cultural Quarter, due to an increase in vehicles using the new link road.

¹ 2011 Census Analysis – Method of Travel to Work in England and Wales Report, February 2013

Table 1: Traffic Volumes (24 hour, 7 day average counts)

| Location | Direction 1 | Direction 2 |
|--------------------------|---------------------|---------------------|
| Wilson Patten Street | 10,467 (eastbound) | 12,792 (westbound) |
| Winmarleigh Street North | 4,298 (northbound) | 0 (southbound) |
| Winmarleigh Street South | 2,148 (northbound) | 695 (southbound) |
| Parker Street | 12,984 (northbound) | 10,718 (southbound) |
| Chester Road (A5060) | 8,923 (northbound) | 10,098 (southbound) |
| Wilderspool Causeway | 8,519 (northbound) | 8,315 (southbound) |
| Gainsborough Road | 2,557 (eastbound) | 2,996 (westbound) |

Source: Traffic Counts carried out in October 2015 by Trafficsense Ltd commissioned on behalf of Warrington BC by Mott MacDonald, to support the scheme development process and reported at page 30 of the Centre Park Link Scheme Outline Business Case ("OBC") for Conditional Approval (April 2017)

Safety

- 3.8 Traffic accidents are generally associated with roads that include higher traffic speeds, heavier traffic flows, roads utilised by more commercial vehicles such as HGVs, and where merging and/or queueing is common, such as Bridgefoot roundabout and routes through Warrington Town Centre. Key accident findings between 2013 and 2015 (first half of 2015 only) obtained from the police 'STATS 19 database' include:
- 3.8.1 A high proportion of accidents occurred during the PM Peak (period of high traffic volumes);
 - 3.8.2 The vast majority of accidents were categorised as 'Slight' severity (88% over three year period), where at least one person is slightly injured but no person is killed or seriously injured;
 - 3.8.3 95% of accidents were on A roads with a speed limit of 30 MPH;
 - 3.8.4 The weather, visibility and road surface was not the determining factor in the majority of accidents with approximately:
 - 79% of accidents occurring during fine weather conditions;
 - 74% of accidents occurring in the light; and
 - 68% of accidents occurring on dry road conditions; and
 - 3.8.5 The two main contributing factors for accidents were:
 - Failure of the driver/rider to look properly; and
 - Failure of the driver/rider to judge the other persons path/speed.

Air quality exceeding acceptable levels (NO₂)

- 3.9 According to the Warrington Borough Council Air Quality Action Plan 2017-2022 (February 2018) ("AQAP"), the transport sector is a major contributor to poor air quality issues. The inefficient fuel consumption caused by stationary and slow-moving traffic during peak periods around Bridgefoot roundabout generates more emissions than in free-flow conditions, demonstrated with NO₂ levels exceeding the National and European obligation. The Scheme is a Key Infrastructure Action within the AQAP due to its potential to facilitate improvements to NO₂ levels. Assessments of the impact of the Scheme with respect to air quality have been completed using outputs from the

traffic model, and the assessment conclusions are included within the Warrington Centre Park Link Environmental Statement, Volume 1 (February 2017) (Appendix 6).

Development Opportunities

- 3.10 As identified at page 14 of the Warrington Borough Council Local Plan Preferred Development Option Regulation 18 Consultation (July 2017) (the "Preferred Development Option"), there is insufficient land within Warrington to provide a housing supply over the proposed 20 year plan period. The Preferred Development Option is attached at Appendix 7.
- 3.11 Land at Centre Park South is, therefore, critical to support housing demand in the Borough. Centre Park South as an area is detailed at Figure 3 below and reference 1715 of the Warrington Borough Council Local Plan Strategic Housing Land Availability Assessment (July 2017) ("SHLAA"), which is appended at Appendix 8.

Figure 3: Centre Park South as referenced at 1715 of the SHLAA



- 3.12 Analysis of traffic speed, journey times and traffic count data² suggests that there is insufficient existing highway capacity to accommodate the additional traffic movements that would be required in order to enable development of the Centre Park South site. The proposed Centre Park Link would provide increased highway capacity and access to Centre Park South, enabling land to be released for development. Furthermore, the Scheme will improve access to the existing Centre Park Business Park, enhancing the commercial offering and attractiveness of existing supply to potential new businesses.

² Centre Park Link Scheme Outline Business Case ("OBC") for Conditional Approval (April 2017)

Socio-Economic Factors

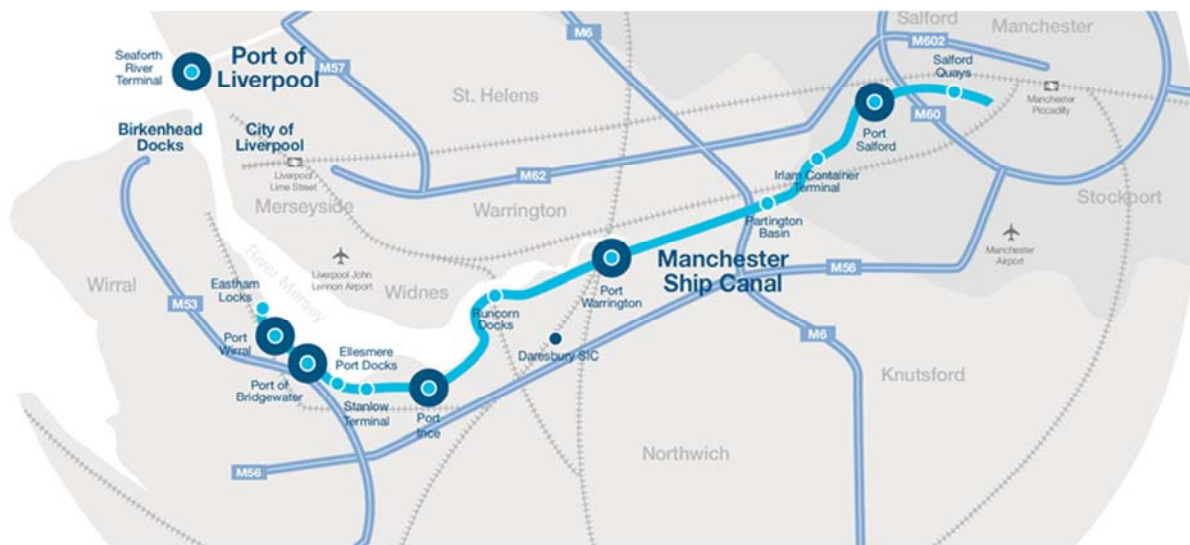
- 3.13 Parts of central Warrington, in the vicinity of Centre Park and including the Town Centre itself, Orford, Howley, and Bewsey, have pockets of high Indices of Multiple Deprivation, and residents in these areas would benefit from improved access to jobs and education within Inner and wider Warrington.
- 3.14 Transport has a significant role in both the creation and alleviation of social problems, helping to shape society, determining where people work, shop, study and partake in leisure and social activities. The Scheme offers the opportunity to enhance access to jobs and education within Warrington, via reduced congestion and shorter journey times within the Town Centre, particularly on key routes such as Bridgefoot Gyratory and Wilderspool Causeway, improving the level of social inclusion, whilst facilitating economic growth.

4. LOCATION AND DESCRIPTION OF THE SITE AND THE SCHEME

The Site

- 4.1 The Site is located to the south of Warrington Town Centre, within the administrative area of Warrington Borough Council. The Site is bounded by Wilson Patten Street (part of the Warrington ring road) to the north; Centre Park Business Park, Spectra Business Park, commercial premises and open space to the east; Chester Road (A5060) to the south-east; the River Mersey to the south; and the railway line serving Warrington Bank Quay station to the west.
- 4.2 The Warrington Waterfront Development area is a strategic development to support Warrington's housing and employment growth needs into the future. The Waterfront area encompasses land to the north of the Manchester Ship Canal and south of Wilson Pattern Street, including the Port of Warrington. The masterplan for the area is set out within Warrington Means Business: Warrington's Economic Growth and Regeneration Programme (2017), which is the regeneration framework document as produced by Warrington & Co., (attached at Appendix 9). The Centre Park Link Scheme is located to the east of the Waterfront site and is a key piece of infrastructure, which will provide access to currently undeveloped sections of the Waterfront i.e., Centre Park South.
- 4.3 The development of the Warrington Waterfront is not only regionally important but lies within the Atlantic Gateway. The Atlantic Gateway is one of the most significant development opportunities in the UK to attract investment, accelerate growth and rebalance the economy. Focusing on the corridor between Liverpool and Manchester (as defined in Figure 4 below), the Atlantic Gateway works with a number of key private and public sector partners on a number of agreed high profile priorities, which are critical to driving growth and improving productivity across the Atlantic Gateway and the Northern Powerhouse. The Port of Warrington lies at the centre of the corridor.

Figure 4: Atlantic Gateway Corridor



Source: Atlantic Gateway Business Plan (July 2012)

The Scheme

- 4.4 The Acquiring Authority's objectives for the Scheme, as outlined in the Acquiring Authority's Outline Business Case for the Scheme dated April 2017 (Appendix 5), are to:
- 4.4.1 Provide enhanced reliability and predictability of journeys on the transport network;
 - 4.4.2 Provide improved journey times at key pinch points;
 - 4.4.3 Provide additional routes and resilience;
 - 4.4.4 Support improvements to quality of life factors in Warrington; and
 - 4.4.5 Enable land to be unlocked that supports economic growth in Warrington
- 4.5 The main works required for the Scheme will be undertaken on Slutchers Lane, which runs in a southerly direction from Wilson Patten Street, crossing and then running adjacent to the main railway line serving Warrington Bank Quay Station.
- 4.6 The Acquiring Authority is proposing to construct a new road, which has been termed the Centre Park Link Road (the "CPL"). This will commence at Chester Road (A5060), close to its junction with Gainsborough Road, and will run across a new road bridge over the River Mersey. Heading in a north-westerly direction, the CPL will then run through open land previously used as a golf driving range, and will rejoin Slutchers Lane, close to Spectra Business Park.
- 4.7 Slutchers Lane will be widened and upgraded from an unclassified carriageway road to a classified road. The CPL will be a 'two-way' all-purpose single carriage road for its entire length from the junction with Wilson Patten Street from the proposed bridge structure at Chester Road.
- 4.8 The Site required for delivery of the Scheme generally falls into two sections, as follows and further set out below:
- 4.8.1 a northern section, where Slutchers Lane will be widened and upgraded ("the Northern Section"); and
 - 4.8.2 a southern section, where a new two-way carriageway will be constructed from Slutchers Lane across open land and over a new bridge across the River Mersey, tying into Chester Road (A5060) ("the Southern Section").

The Northern Section

- 4.9 The Northern Section of the Scheme will see approximately 983 metres of existing carriageway improved, and approximately 300 metres of existing carriageway widened from 7.3 up to 15 metres in places with adjacent footway/cycleway and embankment supporting the highway where necessary, to create an all-purpose, two-lane vehicular highway, maintainable at the public expense.
- 4.10 The Scheme provides for Slutchers Lane becoming a two-way link road along its entire length, and requires the widening of the 'S-bend' highway arrangement to accommodate two-way movement of large HGVs.
- 4.11 New traffic signals/new traffic signal arrangements will be located at the 'T' junction of

Slutchers Lane and Wilson Patten Street to manage traffic movements at the junction to replace the existing 4-arm priority controlled junction. A signal controlled junction allows for priority movements to receive sufficient green time to manage traffic flows. The Centre Park Link Road Transport Assessment (February 2017) contains an assessment of the performance of this junction.

- 4.12 Traffic Regulation Orders ("TROs") will be implemented in order to permanently close Arpley Street to vehicular traffic at its junction with Wilson Patten Street, to allow new traffic signals to be implemented, and to prohibit traffic turning right out of Slutchers Lane onto Wilson Patten Street.

The Southern Section

- 4.13 The Southern Section of the Scheme will see the construction of a new section of highway at the most southerly point of Slutchers Lane, which will traverse the River Mersey and connect to Chester Road (A5060). The new section of highway will commence just south of the existing adopted Slutchers Lane (see Adopted Highway Extents (Including Proposed Scheme) Plan at Appendix 10) and the road will curve around to the east and continue in a south-easterly direction across open land (previously used as a golf driving range), until it meets the River Mersey.
- 4.14 A new road bridge will be constructed to complete the link with Chester Road (A5060). New traffic signals will be installed at this new junction, close to Gainsborough Road, where the new CPL spur will be located, adjacent to the property that was previously a car dealership. This property will need to be demolished to allow for this section of the Scheme. This new section of carriageway will be approximately 605 metres in length and between 7.3 metres and 11 metres in width, with adjacent footway/cycleway and embankment supporting the highway where necessary. The overall highway corridor will be between 13 and 40 metres in width.
- 4.15 The Scheme will be financed and constructed as a single highway infrastructure project and will serve existing commercial properties and new housing development on Slutchers Lane, together with two-way traffic moving to and from the Town Centre.
- 4.16 The Scheme is proposed as a solution to the safety, environmental and congestion problems in and around Warrington Town Centre. A value for money assessment has been undertaken which examines the costs and benefits of the Scheme. The Scheme has a very high benefit to cost ratio of 5.0, meaning for every £1 spent, five times this value will be released in benefits. Scheme finances are considered further in Section 9.
- 4.17 More detail on the benefits of the scheme can be found in the OBC (Appendix 5).

5. ALTERNATIVES TO THE SCHEME

5.1 The Acquiring Authority has considered a number of options to alleviate the traffic problems in Warrington. An Options Assessment process was undertaken, divided into two distinct phases:

- a) Chester Road Bridge Location Assessment; and
- b) Slutchers Lane Town Centre Traffic Management Arrangement Assessment.

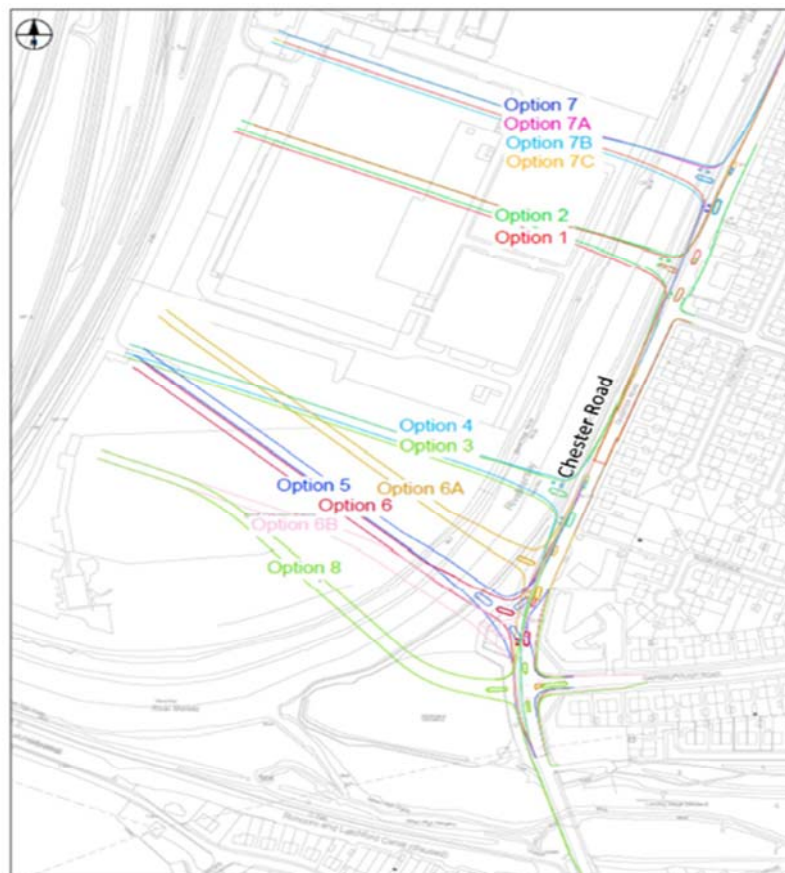
5.2 The Options Assessment resulted in an initial long list and a further refined short list of possible solutions. These have been rejected as being inferior to the Scheme because they dealt less effectively with the range of issues and problems detailed in Section 4 above, in addition to not meeting the stated and agreed Scheme objectives, as outlined in the OBC (Appendix 5).

5.3 The following rejected options were considered as alternatives to the Scheme:

Phase 1: Chester Road Bridge Location Assessment

5.4 This investigated various bridge crossing locations over the River Mersey and subsequent tie-in designs for a new junction on Chester Road. Thirteen core options were considered as shown in Figure 5. A further eight variants of the core options were considered.

Figure 5: Chester Road Bridge Options



Source: Figure 17, Centre Park Link Scheme Outline Business Case ("OBC") for Conditional Approval (April 2017)

5.5 An initial Red-Amber-Green (RAG) assessment of the long list options was undertaken against ten criteria, based on known factors influencing location choice of the proposed new bridge structure including:

- a) Proposed Chester Road junction design;
- b) Traffic signal modelling using the LINSIG modelling tool;
- c) Strategic traffic modelling results from the Multi-Modal Transport Model tool;
- d) Preliminary construction cost estimates;
- e) Preliminary land purchase and compensation cost estimates;
- f) Assessment of the land purchase and acquisition process;
- g) Assessment of bridging levels between the eastern and western banks of the River Mersey;
- h) Assessment of buildability and disruption during construction;
- i) Impact on the existing Chester Road Fixed Bridge; and
- j) River Mersey navigation clearance heights.

5.6 The outcome of the long list RAG assessment is provided in Table 2 below, which categorises each option as either 'preferred option', 'reserve option' or 'discounted option'. Preferred options were considered for the short list, including further design development and a requirement to be tested against the scheme objectives and problems. Reserve options were considered variations of a preferred option that achieved the same aims, but included a key limiting factor; whilst discounted options were removed. The initial assessment identified two options with merit for further investigation: Option 6b2 and Option 8-1 (also referred to as Option 8a in Table 2 below).

Table 2: Options RAG Assessment

| | Option 1 | Option 2 | Option 3 | Option 4 | Option 5 | Option 6 | Option 6a | Option 6b1 | Option 6b2 | Option 6b3 | Option 6b4 | Option 6b5 | Option 6b6 | Option 6b7 | Option 6b8 | Option 7 | Option 7a | Option 7b | Option 7c | Option 8a | Option 8b | |
|---|----------|----------|----------|----------|----------|----------|-----------|------------|------------|------------|------------|------------|------------|------------|------------|----------|-----------|-----------|-----------|-----------|-----------|--------|
| 1 Junction Design | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow |
| 2 LINSIG Results | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow |
| 3 MMTM Results | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow |
| 4 Preliminary Construction Cost Estimate | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow |
| 5 Land Purchase and Compensation Costs | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow |
| 6 Land Purchase and Compensation Assessment | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow |
| 7 Bridging Levels | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow |
| 8 Buildability and Construction Disruption | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow |
| 9 Chester Road Fixed Bridge | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow |
| 10 River Mersey Clearance Heights | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow |
| Outcome | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow | Yellow |
| Preferred Option | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ |
| Reserve Option | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ |
| Discounted Option | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ | ✗ |

Source: Table 16, Centre Park Link Scheme Outline Business Case ("OBC") for Conditional Approval (April 2017)

5.7 Despite being initially discounted through the RAG assessment, a strategic decision was subsequently made by the Council to also include Option 4 as part of the short list process alongside Option 6b2 and 8-1. This decision was taken in order to ensure that a potentially lower cost option, driven primarily by a shorter bridge span, was not discounted too early without further design definition and assessment.

- 5.8 A comparison of the advantages and disadvantages of each of the three shortlisted bridge options was undertaken, and some refinement to the options undertaken.
- 5.9 The preferred option was identified by testing the above against varying combinations of: one-way north bound; two-way and one-way south bound traffic modelling on Slutchers Lane; development scenarios; and including the removal of the Centre Park Bus Gate and conversion to access to all vehicles.
- 5.10 Following the tests outlined above, combined with an assessment against the scheme objectives, the preferred option was identified as a variant on Option 6b2, termed Option 6c1 ("the Preferred Option").
- 5.11 Option 6c1 was presented to the public as part of the initial round of public consultation in December 2015. The principle of a new bridge crossing over the River Mersey was shown to have substantial public support. Approximately 80% of respondents to the public consultation supported the new crossing.
- 5.12 The appraisal of the above options is included within Section 2 (paragraphs 2.14.4 to 2.14.14) of the OBC (Appendix 5).

Phase 2: Supporting Works: Slutchers Lane and Town Centre Traffic Management Arrangements

- 5.13 This investigated the traffic management arrangements to ensure the effective operation of the junction between Slutchers Lane and Wilson Patten Street. Although a critical element of the Scheme, this aspect was neither a driver nor influencing factor on the bridge location, so could be assessed independently.
- 5.14 With regard to confirming the scope of these supporting improvements, the three elements to be considered were:
- 5.14.1 the direction of traffic on Slutchers Lane;
 - 5.14.2 the option to open the bus gate on Slutchers Lane to general traffic; and
 - 5.14.3 the traffic management changes required in the immediate Town Centre area in order to connect Slutchers Lane to Wilson Patten Street.

For each element the range of options considered is set out below, with 18 possible permutations of these options tested in the initial optioneering process:

- Slutchers Lane
 - One-way northbound
 - One-way southbound
 - Two-way
- Town Centre
 - Clockwise: changing the highway network so that this network of streets works as a clockwise gyratory

- Anti-clockwise: changing the highway network so that this network of streets works as an anti-clockwise gyratory
 - Hybrid: an anti-clockwise gyratory option but with a two-way to all traffic section along Sankey Street
- Bus Gate
 - Bus Gate Open: two-way through traffic movements between Brian Bevan Island and Slutchers Lane
 - Bus Gate Closed: maintain existing arrangements
- 5.15 A multi-criteria assessment was undertaken to identify a preferred option. The assessment criteria was as follows:
- a) Road safety impacts at Slutchers Lane;
 - b) Change in efficiency of junctions;
 - c) Change in traffic flows on Slutchers Lane;
 - d) Potential public acceptability;
 - e) Impact on access to Bank Quay Rail Station for vehicles;
 - f) Impact on access to the Network Rail car park for vehicles;
 - g) Change in traffic flows on Wilson Patten Street/Parker Street;
 - h) Change in flows on Gainsborough Road;
 - i) Overall impact on Bridgefoot Gyratory;
 - j) Overall impact on Brian Bevan Island;
 - k) Legal Orders Risks;
 - l) Traffic Regulation Order (TRO) Process Risks;
 - m) Impact on access for existing businesses; and
 - n) Impact on walking and cycling.
- 5.16 Of the 18 permutations originally assessed, half included the scenario where the Bus Gate is opened up for general traffic; however, the 'Blue Bridge' (Park Boulevard Bridge) is built over land that is currently subject to a restriction preventing the opening of this route to general traffic without permission from The Crown Estate Commissioners and the Duchy of Lancaster. Legal advice suggested that resolving the restrictive covenant issues would not be possible within the existing funding window and, based on this advice, options to open up the bus gate were withdrawn, removing 9 of the original options from further consideration.
- 5.17 The inability to deliver the opening of the bus gate meant that a southbound only option was also not feasible, due to the inability for northbound traffic to divert elsewhere or perform a 'u-turn' on approach to the one-way section of Slutchers Lane. This would mean a requirement for significant advance warning to indicate that this is not a through road, and a turning head would need to be in-situ, leading to significant conflicts and a reduction in the safety and efficiency of the new link. On this basis, the assessment discounted a further 6 options.
- 5.18 Following the multi-criteria assessment (see 5.14 above), the preferred options were identified as Option 2 (One-way Northbound on Slutchers Lane with Clockwise Gyratory), and Option 6 (Two-way Slutchers Lane with Clockwise Gyratory).

- 5.19 In addition to the assessment process described above, the outcomes of public consultation exercises carried out during the scheme development process were taken into account in developing the final option. In relation to this optioneering process, the key messages that were considered, were public support for a two-way operation along the entire length of Slutchers Lane, and concerns around changes to traffic flows on routes within the Town Centre as a result of gyratory options. Further details are provided in the OBC (sections 2.14.19 – 2.14.20 and at Appendix V) (Appendix 5).
- 5.20 Further assessment of the preferred options was undertaken, including a qualitative assessment of the performance of the options against the identified scheme objectives together with secondary implications, such as adverse changes in traffic flows and impacts across the Town Centre. This included investigation of two key questions that remained outstanding:
- a) Could Slutchers Lane operate as a two-way rather than one-way road?
 - b) Does the scheme operate better with or without the gyratory?
- 5.21 It was originally thought that a one-way system could greatly benefit traffic flow and reduce queuing in the Town Centre; however, the proposal was not strongly supported by the public in the consultation exercises, and the traffic modelling and cost estimates undertaken for the scheme showed that the overall benefits of a one-way system were not as great as originally envisaged.
- 5.22 A further period of review and refinement was then carried out, including a review of design options to widen Slutchers Lane between the rail bridge and Wilson Patten Street in order to facilitate full two-way working on Slutchers Lane. In addition, the work included a further review of junction options to connect Slutchers Lane efficiently to Wilson Patten Street. The final assessment identified that the best performing option would be to deliver a two-way link on Slutchers Lane with a traffic signal junction managing the traffic movements between Slutchers Lane and Wilson Patten Street.
- 5.23 Full details of the option assessment process can be found in section 2 of the OBC (Appendix 5).

6 PLANNING CONSIDERATIONS

6.1 In making the Order, the Acquiring Authority has had regard to national planning policy, the Development Plan and other relevant local policy and guidance.

6.2 At both a strategic and local planning policy level there is support for the Scheme, as detailed below.

National Transport Objectives

6.3 The key drivers for transport investment associated with the Centre Park Link Scheme align with national transport objectives aimed at improving the economy, environment and society.

National Planning Policy Framework (2017)

6.4 The National Planning Policy Framework ("NPPF") sets out the Government's planning policies for England and how they are expected to be applied. The NPPF identifies three mutually dependent dimensions to achieving sustainable development, including the economy, environment and society. These are the three tenets against which major transport infrastructure projects are currently assessed in planning terms.

6.5 The NPPF outlines a focus on building a strong and competitive economy, acknowledges the role of transport in facilitating development and contributing to wider economic growth, sustainability and health objectives. Additionally, the NPPF has a focus on the support of sustainable travel, enabling a reduction in Greenhouse Gases and congestion.

6.6 The Government published major amendments to the NPPF for consultation, together with the associated Planning Practice Guidance ("PPG"). The primary focus of the amendments is for measures to increase the supply of housing. Consultation closed on 10 May 2018 and the Government intends to publish the updated NPPF before summer 2018. The Centre Park Link Scheme aligns with the principles of the NPPF (2012) by aiding the delivery of homes on previously developed land. This will still be the case following the proposed amendments.

6.7 In addition to the above, the National Infrastructure Plan 2014 ("NIP") emphasises the role that high quality infrastructure plays in providing opportunity to boost output, productivity, growth rates and competitiveness, as well as enhancing capacity to unlock economic potential in individual regions. As part of the plan, the Government aims to:

- a) Increase road capacity;
- b) Tackle congestion;
- c) Support development;
- d) Strengthen connectivity; and
- e) Improve reliability and resilience, enabling improvements to productivity, which is considered a vital element of the Government's Economic Plan.

- 6.8 To achieve this, the Government has established Local Enterprise Partnerships ("LEP(s)") between local government and business in functional economic areas, giving them the opportunity to decide what priorities should be for investment in roads, buildings and facilities in the area. The Cheshire and Warrington LEP is responsible for this project. The Scheme directly contributes to the aims of the NIP, providing increased road capacity, tackling congestion, strengthening connectivity, enhancing network resilience, and through the support of development opportunities at Centre Park South.

The Northern Powerhouse: One Agenda, One Economy, One North

- 6.9 In March 2015, a joint publication from Government, Northern City Regions and LEP's, working together with Highways England, Network Rail and HS2, set out the vision and ambitions for the North, unveiling its report on the Northern Transport Strategy. Subsequently, Transport for the North ("TfN") was formed in order to transform the transport system across the north of England, providing the infrastructure to provide economic growth. TfN is the first sub-national transport body, bringing together 19 local transport authorities.
- 6.10 The vision for the North is for a vibrant and growing economy; a magnet for inward investment, which capitalises on the strengths of the Northern cities, supported by state-of-the-art transport connections to clusters of thriving businesses. To achieve the vision, there will be a need for a package of measures and transformative transport interventions, which promote better connections between people and jobs.
- 6.11 TfN has published a draft Strategic Transport Plan ("STP") with the key objectives to:
- a) increase efficiency, reliability and resilience in the transport system
 - b) transform economic performance
 - c) improve access to opportunities across the North
 - d) promote and support the built and natural environment
- 6.12 Warrington is identified as a significant economic centre within the North, and improvements to the connectivity of Warrington by road and rail are an integral part of the STP. The emerging vision for the Northern Powerhouse Rail network features a new route between Liverpool and Manchester Airport and a link between Liverpool and Crewe to connect with HS2. Both of these routes are via Warrington.

Growth Agenda

- 6.13 The key policy documents at the sub-regional level that are driving the need for increased economic growth include:
- a) Cheshire and Warrington Matters – A Strategic Economic Plan and Growth Plan for Cheshire and Warrington;
 - b) Cheshire and Warrington Growth Deal; and
 - c) Atlantic Gateway Strategy.
- 6.14 In the context of the NPPF and the NIP, these are key sub-regional plans for delivering on the national policy objectives and are considered further below.

Cheshire and Warrington Matters – A Strategic Economic Plan (SEP) and Growth Plan for Cheshire and Warrington

- 6.15 The Strategic Economic Plan ("SEP") (Appendix 11) provides a vision and strategic framework for the next decade to guide the prioritisation and decision making processes for Cheshire and Warrington, enabling major growth and transformation to the local, North West and UK economies.
- 6.16 To achieve the growth targets contained within the SEP, there is a need to deliver transport investment schemes for infrastructure that drive growth and productivity, tackle congestion, maximise housing growth, and provide a broader housing offer in order to support the region's economic aspirations, maximising infrastructure growth assets, including property and place.
- 6.17 As a result, the SEP is underpinned by a Transport Strategy within which 6 priorities are identified. The Centre Park Link Scheme would address 5 of these priorities, as follows:
1. Improve connections to support development of priority employment sites including those within the Cheshire Science Corridor;
 2. Improve connections to neighbouring sub regions, including international gateways to ensure that business has connectivity to global markets and facilitate the economic benefits of both out and in commuting that takes place daily;
 3. Resolve pinch points and congestion in the transport network, both road and rail, which act as barriers to growth if left unaddressed. Delays and unpredictable journey times affect business activity directly (e.g. the supply of components to the automotive sector) and indirectly, and influences commuting flows;
 4. Address network resilience issues to deliver predictable and efficient journey times to support business productivity; and
 5. Make best use of the existing road (e.g. smart motorways) and rail network (e.g. electrification) to capitalise on existing infrastructure, offering efficient mechanisms for improvement, and helping deliver best value for money from investment.
- 6.18 The Centre Park Link would provide a new crossing over the River Mersey to ease road congestion, as well as enhancing Warrington's reputation as an attractive business and residential location. The Scheme will contribute to the achievement of the SEP's economic growth targets through the unlocking of housing development land planned for Centre Park South.

Cheshire and Warrington Growth Deal

- 6.19 In July 2014, the Government announced the first wave of Growth Deals, which provide the LEPs money from the Local Growth Fund ("LGF") for projects that benefit the local area and economy. The growth deal provides an 'in principle' allocation of funding to construct the Centre Park Link Scheme, in order to facilitate improved access to the existing Centre Park Business Park. Further information about funding is contained in Section 9.

- 6.20 The Acquiring Authority has submitted its OBC (Appendix 5) to the LEP for the Centre Park Link Scheme. It provides Cheshire and Warrington LEP with the justification to approve Growth Deal funding for the Scheme, and enables the Acquiring Authority to draw down on agreed funding.
- 6.21 The OBC was conditionally approved by the LEP, and will be revised following land assembly and award of the construction contract, in order to include the final target cost of the Scheme.

Atlantic Gateway Strategy

- 6.22 The Atlantic Gateway vision is to maximise and accelerate investment, supported by the delivery of major projects by LEPs and other partners. With a private sector board, the Atlantic Gateway Business Plan (Appendix 12), produced in 2012, includes a number of objectives that drive its activities and relationships, including:
- a) To establish Atlantic Gateway as an internationally significant investment opportunity;
 - b) To drive transformational economic change and opportunity; and
 - c) To establish a collaborative planning and policy framework.
- 6.23 The outcomes of the Scheme are closely aligned with the Atlantic Gateway's core themes of growth, connectivity, infrastructure and sustainability. This critical piece of infrastructure will unlock the full investment potential of the area, continue to drive growth, and rebalance the economy through greater mobility of labour markets and improved business competitiveness.

Local Strategies

- 6.24 The proceeding paragraphs outline how the Scheme could contribute to the Acquiring Authority's local strategic aspirations, including reference to the following key policy documents:
- a) Warrington Borough Council Corporate Strategy 2018-20;
 - b) Warrington Local Plan Core Strategy;
 - c) Local Transport Plan 3 - One Warrington: One Future Local Transport Plan; and
 - d) Warrington Means Business.

Warrington Borough Council Corporate Strategy 2018-20

- 6.25 The Strategy (Appendix 13) outlines the Acquiring Authority's vision for Warrington up to 2020. The Acquiring Authority intends to work with residents, businesses and partners to make Warrington a place where everyone can thrive, whilst dealing with the major challenge of reductions in funding and increased demand for services.
- 6.26 The Strategy identifies the need to invest in, maintain and build Warrington's economic and environmental infrastructure, in order to grow a strong economy. With regard to the Scheme, this is achievable as the new bridge supports the development of undeveloped land for residential housing by a third party developer, as well as

enhancing the attractiveness of existing office space.

Warrington Local Plan

- 6.27 The Warrington Local Plan Core Strategy (the "Core Strategy") (Appendix 14) was adopted by the Acquiring Authority in July 2014 and sets out the overarching strategic policy, and robust basis to guide the location and level of development in the Borough up to 2027. Strategic Policy CS2 (Overall Spatial Strategy - Quantity and Distribution of Development) of the Core Strategy outlines the quantity and distribution of development that is required in the borough over the plan period. In addition, it seeks to prioritise the use of previously developed land, delivering at least 80% of new homes on previously developed land and 60% within Inner Warrington. Inner Warrington constitutes the older core of the town and is the focus of the strategy for renewal and regeneration (the location of the Centre Park Link Scheme).
- 6.28 This is supported by Strategic Policy CS9 (Strategic Location - Inner Warrington), which indicates that the focus of the plan is to provide new development in inner Warrington, as a catalyst to securing physical and economic regeneration. Warrington Town Centre is envisaged to remain a key economic driver for the surrounding area, with its pivotal location as part of the 'Atlantic Gateway', which provides significant advantages to residents and businesses.
- 6.29 Given the overall strategic priority to regenerate land in inner Warrington, the Core Strategy identifies significant regeneration and sustainability benefits in bringing forward and realising the Waterfront area for redevelopment. The Centre Park Link Scheme will support CS9 by:
- 6.29.1 Securing the maximum physical and environmental benefits from the re-use and redevelopment of underused, vacant and derelict land;
 - 6.29.2 Securing the maximum social benefits in order to contribute to the Acquiring Authority's 'Closing the Gaps' agenda and address issues within areas of deprivation;
 - 6.29.3 Contributing to the delivery of new homes to help achieve the 60% housing target set out in Policy CS2, whilst ensuring that a mix of housing in terms of type, size and tenure is delivered to help meet identified needs and ensure that an attractive and balanced housing offer is available; and
 - 6.29.4 Ensuring that accessible employment and training opportunities for the local populations are maintained and improved by way of measures, including planning obligations.
- 6.30 Furthermore, Policy TC1 (Key Development Sites in the Town Centre) of the Core Strategy identifies a development opportunity and desire to provide a safe, well-marked and attractive link between Wilson Patten Street, the Town Centre, Centre Park and Bank Quay West Coast Main Line railway station. The Centre Park Link Scheme includes provision for improvements between Centre Park and the Palmyra Cultural Quarter to the north, in terms of traffic movement and pedestrian severance,

enabling wider movement benefits to be achieved.

- 6.31 The Acquiring Authority published its Preferred Development Option for consultation in 2017, and is currently reviewing its Local Plan with a view to producing a new plan by 2020. Whilst this document does not represent the Acquiring Authority's policy at the present time because the draft Local Plan is still at an early stage of preparation, it proposes to carry forward the objective in the current Core Strategy to continue the regeneration of Inner Warrington, including the Town Centre and the Waterfront. As a result, its proposals in relation to the Town Centre and Centre Park Link Scheme are consistent with the current adopted Local Plan.

Local Transport Plan 3 - One Warrington: One Future Local Transport Plan

- 6.32 The Local Transport Plan 3 - One Warrington: One Future Local Transport Plan ("LTP3") complements the Local Plan, setting out a strategic framework to guide future provision of transport services for Warrington between 2011 and 2030. The plan focuses on transport issues, with the most importance at local level and is structured around seven core themes, including: active travel; public transport; managing motorised travel; smarter choices; safety and security; asset management; and network management.
- 6.33 The network management theme within the LTP3 reaffirms the Acquiring Authority's responsibility with regard to the 'safe and expeditious movement of traffic' as outlined in the Traffic Management Act 2004. The Scheme will enhance through-traffic capacity for Warrington, improve access to the Town Centre and enable improved access to Centre Park South. Table 3 outlines the alignment of Centre Park Link with the LTP3 objectives.

Table 3: LTP3 Objectives – Alignment with Scheme

| LTP3 Objectives: To build and manage a transport network that: | Alignment |
|--|--|
| Enables the regeneration of the Borough and supports economic growth. | <ul style="list-style-type: none"> ✓ Facilitates regeneration of Centre Park South ✓ Reduced congestion and journey time improvements support existing businesses on Centre Park (North) |
| Maintains the highway, minimises congestion for all modes of travel and enables Warrington's 'smart growth'. | <ul style="list-style-type: none"> ✓ New road link to minimise road congestion and enhance resilience for local highway network |
| Improves neighbourhoods and residential areas. | <ul style="list-style-type: none"> ✓ Facilitates new residential development within Inner Warrington (Centre Park South) |

| | |
|--|---|
| Enhances the image and profile of the place. | ✓ Facilitates development opportunities within Inner Warrington. Enhance profile of Warrington as place to do business. |
| Reduces the impact of traffic on air quality in Warrington and helps to reduce carbon emissions and tackle climate change. | ✓ Study area includes Parker Street AQMA. Scheme will contribute to reduction in traffic congestion, including amount of stop-start and standing traffic at Bridgefoot which impacts air quality metrics (NO2). |

Warrington Means Business (2017)

- 6.34 Warrington Means Business (Appendix 9) sets out the Acquiring Authority's programme and intent to drive, progress, encourage and facilitate future economic growth for Warrington, reinforcing the area as a strong national driver of prosperity.
- 6.35 Warrington Means Business includes revitalising the Warrington Waterfront, Town Centre and frontage to the River Mersey, and the Manchester Ship Canal. The Scheme will facilitate waterfront development opportunities by linking development sites with the existing highway network via the provision of new road and bridge infrastructure.

Planning Permission

- 6.36 An application for planning permission reference 2017/29897 was submitted to Warrington Borough Council Development Management Department on 27 February 2017, on behalf of the Acquiring Authority.
- 6.37 The application was considered at Warrington Borough Council Development Management Committee on 17 May 2017, where it voted unanimously to support the grant of planning permission. A decision notice under the Town and Country Planning Act 1990 (as amended) was issued on 18 May 2017, granting permission subject to 16 conditions (the "Planning Permission"). The decision notice is appended at Appendix 15.
- 6.38 The main elements of the Planning Permission are summarised as construction of a new link road and bridge between Chester Road (A5060) and Slutchers Lane, and associated works, including demolition earthworks, drainage, lighting, signage and temporary construction compounds including temporary hoarding.
- 6.39 The Planning Permission requires the development to be commenced by 18 May 2020 and contains a number of pre-commencement conditions, which will require formal discharge. These pre-commencement conditions are either already discharged or in the process of being discharged, and are not considered an impediment to the delivery of the Scheme.

Summary

- 6.40 In summary, the Scheme is supported by planning policy at all levels and has the benefit of the Planning Permission to realise its development. The Planning Permission contains a number of conditions requiring formal discharge, which are either already discharged or in the process of being discharged. As such, there are no planning impediments to the delivery of the Scheme.
- 6.41 It is clear when examining the planning context that there is strong alignment between the priorities that have been defined at the local and sub-regional level, and those that underpin the Government's transport policy at a national level. This includes the need to build a strong and competitive economy, enhance connectivity and access to employment opportunities.
- 6.42 There is also acknowledgement of the key contribution that infrastructure schemes play in unlocking regeneration or housing projects in local areas, underpinned by the principles of sustainable development. It is clear that the Scheme development and appraisal is consistent with another of the Government's core objectives: to provide value for money in the provision of major transport infrastructure.

7. THE ORDER LAND

- 7.1 The Order Land consists of 26 plots of land within a number of different ownerships, including freehold, leasehold and occupational interests. The full extent of the Order Land is set out in the Order Map, with interests to be acquired shown in pink shading and new rights to be acquired shown in blue shading. The Order Schedule sets out the details of those interests. Details of the negotiations with the affected parties to date are detailed in Section 8 of this Statement.

Land required for the Scheme: Plots 1-10, 15, 18, 20 and 26

Northern Section: Plots 1-4

Network Rail Limited

- 7.2 This section comprises predominantly existing public highway, which the Acquiring Authority already owns as highway authority. There are four plots of land (Plots 1, 2, 3 and 4 as shown on the Order Map) fronting Slutchers Lane, close to Warrington Bank Quay Station, all of which are owned by Network Rail Limited. These plots are required in order to widen and upgrade Slutchers Lane.

Southern Section: Plots 5-10, 15, 18, 20 and 26

- 7.3 This section comprises a mixture of highway and embankments, undeveloped land, river and embankments, and allotments.

Unknown Ownership – Plot 5

- 7.4 Plot 5 is a small parcel of land within unknown ownership, which is required for construction of the Centre Park Link, becoming part of the adopted highway post-construction.

Network Rail Limited – Plot 6

- 7.5 A narrow pathway to the west of the Order Land (Plot 6) is owned by Network Rail Limited and is required for construction of the Centre Park Link, becoming part of the adopted highway post-construction.

Maro Developments Limited – Plots 7, 8, 9 and 10

- 7.6 Part of a private roadway providing access to Slutchers Lane, and an area of open land (part of which was previously occupied as a golf driving range by way of a short term lease) are owned by Maro Developments Limited ("Maro"). These parcels comprise Plots 7, 8, 9 and 10.

- 7.7 Part of Plot 7 (current unadopted highway) and Plot 10 (ex-golf driving range land) are required for construction of the Centre Park Link, becoming part of the adopted highway post-construction.

- 7.8 The remaining part of Plot 7, along with Plots 8 and 9 are not currently part of the

highway, sitting instead within the boundaries of the previously operational element of Spectra Business Park. These plots are required for a site compound during construction, with access being retained during construction to the Maro retained land. Given that there is currently no statutory ability to purchase land temporarily, these plots are shown as pink land on the Order Map but, should Section 18 of the Neighbourhood Planning Act 2017 (temporary possession of land) be commenced prior to the confirmation of the Order, modification to the Order may be sought to acquire new rights only over these plots, as may be required. This will be reviewed and an update will be provided to the impacted parties, as and when available.

Warrington Borough Council – Plots 15, 18, 20 and 26

- 7.9 These plots of land (Plots 15, 18, 20 and 26), which form part of the River Mersey, together with highway embankments and some allotments fronting Chester Road, are owned by the Acquiring Authority pursuant to transfer dated 29 March 2018 and made between (1) The Manchester Ship Canal Company Limited ("MSCC") and (2) Warrington Borough Council ("the MSCC Agreement"). Albeit that these plots have been acquired by the Council pursuant to the MSCC Agreement, MSCC was unable to transfer the land with a guarantee of vacant possession and the mines and minerals to the plots was excepted from the conveyance (them being expected from MSCC's original title).
- 7.10 As such, they are still included within the Order to facilitate the use of Section 260 of the 1980 Act, in that there are potentially unknown and/or untraceable third party rights that may exist over these plots, which could jeopardise the delivery of the Scheme. In order to provide a cleansed title to the land and not stymie development in any way, these plots have been included despite the Acquiring Authority's acquisition of them.
- 7.11 Plots 15 and 20 are required for the landing of the new road bridge across the River Mersey, and will become part of the adopted highway.
- 7.12 Plot 18 is the airspace upwards from a height 8.650 metres above ordnance datum, and denotes the airspace where the bridge will lie. As the River Mersey is a tidal river, the plot description is intended to account for changes in tidal levels and is calculated from ordnance data available at the time of making the Order. The airspace below the new road bridge will not be acquired by the Acquiring Authority, as the River Mersey is a navigable waterway and navigation rights need to be preserved, with navigation responsibilities retained by the Navigation Authority, The Mersey Docks and Harbour Company Limited (a wholly owned subsidiary of Peel Ports Investments Ltd, a sister company of MSCC).
- 7.13 Plot 26 is required for widening the carriageway to provide a dedicated left turn lane onto the new bridge, and also for supporting highway embankment.

New Rights Required for the Scheme: Plots 11-14, 16, 17, 19, and 21-25

- 7.14 The Order Land includes land over which new rights are required, shown shaded blue on the Order Map, being Plots 11, 12, 13, 14, 16, 17, 19, 21, 22, 23, 24 and 25.

7.15 These rights are set out in more detail in Part 1 of the Order Schedule and are summarised below:

1. A general right of access and construction, allowing surveys, making good of properties and enabling safe working practices to be followed on adjoining land;
2. A right to oversail;
3. A right to erect scaffolding and/or hoarding;
4. Rights in respect of service media;
5. Rights in connection with plant;
6. A right to amend access and egress routes, needed to facilitate safe working practices during development;
7. A right to construct a new access or accesses;
8. A right to carry out future inspections and maintenance;
9. A general right to carry out conditions surveys on foot, to ensure safe working practices can be accorded with and to document the condition of properties before, during and after development, if so necessary; and
10. Rights in relation to deliveries, needed for construction of the scheme or in order to accord with safe working practices.

Maro Developments Limited – Plots 11 and 21

7.16 Plots 11 and 21 are owned by Maro and are required for the acquisition of the new rights numbered 1, 3-7, 9 and 10.

The Manchester Ship Canal Company Limited – Plots 12-14, 16, 17, 19, and 22-25

7.17 Plots 12, 14, 22, 24 and 25 are river embankment and allotments owned by MSCC and are required for the acquisition of the new rights numbered 1, 3-5 and 8-10, in order to carry out the construction and maintenance of the new road bridge.

7.18 Plots 13 and 23 are part of the River Mersey and are required for the acquisition of the new rights numbered 1, 4, 8 and 10 in order to carry out the construction and maintenance of the new road bridge.

7.19 Plot 17 is the airspace from a point 6.3 metres above ordnance datum up to a point 8.650 metres above ordnance datum and is required for the acquisition of the new rights numbered 1, 3, 4, 8 and 9 in order to carry out the construction and maintenance of the new road bridge. This plot correlates directly with Plot 18 (see 7.11 above), and is intended to sit immediately below the area of airspace within plot 18, and above the water level of the River Mersey, taking into account the tidal nature of the river and being calculated from ordnance data available at the time of making the Order.

7.20 Plots 16 and 19 are the airspace from a point 6.3 metres above ordnance datum and are required for the acquisition of the new rights numbered 1, 3, 4, 8 and 9, in order to enable the construction and ongoing maintenance of the proposed new bridge.

7.21 Rights relating to temporary and/or permanent oversailing and access have been granted by MSCC to the Acquiring Authority as part of the transfer of land detailed at 7.9 above; however, the rights granted are limited to only those that are expressly stated and other rights may be necessary in order to construct the Scheme. As such, these plots are included to acquire the rights over and above what has already been granted to the Acquiring Authority by way of negotiation.

8 NEED FOR THE COMPULSORY PURCHASE ORDER

Appropriateness of Powers

- 8.1 The Acquiring Authority's scheme for the improvement of the road network and construction of the Centre Park Link is clearly within the scope of the compulsory purchase powers as set out in Sections 239, 240, 246, 250 and 260 of the 1980 Act.

The Public Interest Test

- 8.2 Paragraph 2 of the Guidance advises that a compulsory purchase order should only be made where there is a compelling case in the public interest. The Acquiring Authority is fully satisfied that this requirement is met and that this has been demonstrated within this Statement of Reasons. The Scheme will provide various benefits to the public, which are summarised below:

- a) Reduction in traffic congestion and improvement journey times in Warrington Town Centre
- b) The improvement in road based infrastructure will also improve pedestrian links between Centre Park Business Park and the Town Centre
- c) Reduction in the number of traffic accidents, which are generally associated with higher traffic speeds and heavier traffic flows, where merging and queuing vehicles is common
- d) Improvement in air quality by reducing stationary and slow moving traffic, which is a contributor to poor air quality
- e) Increased development opportunities arising from the improvement in highway capacity, in order to meet needs such as housing demand in the Borough
- f) Improved access to jobs and education for local residents within Warrington

- 8.3 For the reasons stated above, the Acquiring Authority considers that there is a compelling case in the public interest for the making and confirmation of the CPO to secure the Order Land required for the purpose of implementing and delivering the Scheme.

Need for the Order Land

- 8.4 The Acquiring Authority is seeking to acquire the Order Land, wherever possible, by means of agreement rather than by compulsory purchase and has sought to discuss/negotiate with owners and occupiers to achieve this end. It has fully considered the Guidance, which relates to the justification for a compulsory purchase order, to determine whether there is a compelling case in the public interest to

compulsorily acquire and use land for the purposes of the Scheme. It is considered that a compelling case exists here.

- 8.5 The Acquiring Authority, as Highway Authority, is already the owner of the freehold interest in a number of plots or parts of plots, and its interests in the various plots or parts thereof are included in the Order under the provisions of paragraph 260 of the 1980 Act.
- 8.6 The Acquiring Authority's approach is only to acquire land and rights compulsorily where they are strictly needed to assure successful delivery of the Scheme in accordance with best engineering and environmental practices.
- 8.7 The Acquiring Authority has given careful consideration to the reasons as to why it is necessary to include the land and new rights shown on the Order Map and described further in Section 7 of this Statement. All freehold owners, lessees and occupiers affected by the Order have been invited to enter into discussions with a view to agreeing appropriate terms for acquisition of the land and new rights required and, where appropriate, to discuss options for relocation.
- 8.8 The Acquiring Authority has a very clear idea how it will use the land it intends to acquire and has the necessary resources to acquire the land and interests needed for the Scheme.

Attempts to Acquire by Agreement

- 8.9 The Acquiring Authority is seeking to acquire the Order Land wherever possible by means of agreement in accordance with the Guidance. During the preparation of the Order, it has fully considered the Guidance, in particular those sections which relate to the acquisition of land by agreement. These are set out below:

8.9.1 *What are the benefits of undertaking negotiations in parallel with preparing and making a compulsory purchase order? (Paragraph 17)*

Undertaking negotiations in parallel with preparing and making a compulsory purchase order can help to build a good working relationship with those whose interests are affected by showing that the authority is willing to be open and to treat their concerns with respect. This includes statutory undertakers and similar bodies as well as private individuals and businesses. Such negotiations can then help to save time at the formal objection stage by minimising the fear that can arise from misunderstandings.

Talking to landowners will also assist the acquiring authority to understand more about the land it seeks to acquire and any physical or legal impediments to development that may exist. It may also help in identifying what measures can be taken to mitigate the effects of the Scheme on landowners and neighbours, thereby reducing the cost of a Scheme. Acquiring authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted, save for lands where land ownership is unknown or in question.

8.9.2 *Can alternative dispute resolution techniques be used to address concerns about a compulsory purchase order? (Paragraph 18)*

In the interests of speed and fostering good will, acquiring authorities are urged to consider offering those with concerns about a compulsory purchase order full access to alternative dispute resolution techniques. These should involve a suitably qualified independent third party and should be available wherever appropriate throughout the whole of the compulsory purchase process, from the planning and preparation stage to agreeing the compensation payable for the acquired properties.

The use of alternative dispute resolution techniques can save time and money for both parties, while its relative speed and informality may also help to reduce the stress which the process inevitably places on those whose properties are affected. For example, mediation might help to clarify concerns relating to the principle of compulsorily acquiring the land, while other techniques such as early neutral evaluation might help to relieve worries at an early stage about the potential level of compensation eventually payable if the order were to be confirmed.

8.9.3 What other steps should be considered to help those affected by a compulsory purchase order? (Paragraph 19)

Compulsory purchase proposals will inevitably lead to a period of uncertainty and anxiety for the owners and occupiers of the affected land. Acquiring authorities should therefore consider:

- providing full information from the outset about what the compulsory purchase process involves, the rights and duties of those affected and an indicative timetable of events; information should be in a format accessible to all those affected;*
- appointing a specified case manager during the preparatory stage to whom those with concerns about the proposed acquisition can have easy and direct access;*
- keeping any delay to a minimum by completing the statutory process as quickly as possible and taking every care to ensure that the compulsory purchase order is made correctly and under the terms of the most appropriate enabling power;*
- offering to alleviate concerns about future compensation entitlement by entering into agreements about the minimum level of compensation which would be payable if the acquisition goes ahead (not excluding the claimant's future right to refer the matter to the Upper Tribunal (Lands Chamber));*
- offering advice and assistance to affected occupiers in respect of their relocation and providing details of available relocation properties where appropriate;*
- providing a 'not before' date, confirming that acquisition will not take place before a certain time;*
- where appropriate, give consideration to funding landowners' reasonable costs of negotiation or other costs and expenses likely to be incurred in advance of the process of acquisition.*

8.10 In accordance with the Guidance, all owners and occupiers with an interest in land have been approached to ask if they would be prepared to enter into negotiations with the Acquiring Authority for the purchase of their respective interests.

- 8.11 Detailed negotiations are taking place with a number of landowners and occupiers, however, the Acquiring Authority has concluded that acquisition by agreement is unlikely to occur in all cases or, in any event, within sufficient time to ensure that the programme for the construction of the Scheme is met. There are also some interests where the owner is unknown and, therefore, it will not be possible to acquire the interest except by way of compulsory acquisition.
- 8.12 Discussions will continue with owners of relevant interests and new rights required, in an endeavour to secure them by agreement, wherever possible, with a view to limiting the number of interests which need to be acquired compulsorily. The approach adopted by the Acquiring Authority is in accordance with the policy advice and recognised good practice.
- 8.13 Further information on the status of negotiations to date is set out in Section 8.16 onwards below.
- 8.14 Where the Acquiring Authority has been unable to reach agreement with landowners and occupiers it will offer alternative dispute resolution to enable agreement on compensation to be reached. The Acquiring Authority will also offer information on the Scheme, a case manager, assistance in relocation (wherever necessary), and reassurance on fees.
- 8.15 The Order will be made to secure the outstanding interests and rights required to enable implementation of the Scheme, necessary to achieve the Acquiring Authority's objectives for the area.

Negotiations with Affected Landowners

- 8.16 The Acquiring Authority has sought to engage in private treaty negotiations with key landowners. Brief details of the negotiations that have been undertaken to date are further outlined below.

Network Rail Infrastructure Limited – Plots 1-6

- 8.17 Following a period of negotiation with the freehold owner, Network Rail Infrastructure Limited, an agreement on compensation has been reached. The Acquiring Authority expects legal completion prior to confirmation of the CPO.

Land and Estates Commercial Properties Limited – Plot 1

- 8.18 Following a period of negotiation with Land and Estates Commercial Properties Limited as the long leaseholder, an agreement on compensation has been reached. The Acquiring Authority expects legal completion prior to confirmation of the CPO.

Go Outdoors Limited – Plot 1

- 8.19 Following a period of negotiation with the leaseholder, Go Outdoors Limited, an agreement on compensation has been reached. The Acquiring Authority expects legal completion prior to confirmation of the CPO.

Mr Critchley – Plot 1

- 8.20 The Acquiring Authority has made reasonable attempts to acquire the land by agreement and it has made an offer of compensation in accordance with the statutory Compensation Code. The Acquiring Authority will continue to use all reasonable endeavours to reach an agreement with Mr Critchley, as long leaseholder, prior to confirmation of the CPO.

CCP (London) Limited – Plot 1

- 8.21 The Acquiring Authority is currently in negotiation with the interest holder, CCP (London) Limited, and active discussions are taking place to reach an agreement prior to confirmation of the CPO.

Maro Developments Limited – Plots 7-11

- 8.22 Following a period of negotiation with the Landowner, Maro Developments Limited, an agreement on compensation has been reached. The Acquiring Authority expects legal completion prior to confirmation of the CPO.

The Manchester Ship Canal Company Limited – Plots 12-24

- 8.23 Following a period of negotiation with the Landowner, agreement on compensation was reached and legal completion took place on 29 March 2018.

Conclusions

- 8.24 As set out within this Section 8, the Acquiring Authority considers it has demonstrated that there is a compelling case in the public interest whereby the public benefit will outweigh any private loss. Interference with rights under the European Convention on Human Rights (as further set out in Section 10) is considered to be justified, in order to secure the benefits that the Scheme will bring.
- 8.25 It is, therefore, considered that the use of compulsory purchase powers is both necessary and proportionate, and that there is a compelling case in the public interest for the making and confirmation of the Order. It is considered that the Order does not constitute any unlawful interference with individual property rights. The compulsory purchase process enables objections to be submitted and a Local Public Inquiry to be held to consider those objections.
- 8.26 The parties directly affected by the Order will be entitled to compensation in accordance with the Compensation Code, which is the collective term used for the principles set out in the Land Compensation Act 1961, the Compulsory Purchase Act 1965, the Land Compensation Act 1973, the Planning & Compulsory Purchase Act 1991 and the Planning & Compulsory Purchase Act 2004. This is supplemented by case law relating to compensation for compulsory acquisition, and the recent provisions relating to compulsory purchase contained in the Housing and Planning Act 2016 and the Neighbourhood Planning Act 2017.
- 8.27 All of the Order Land is required in order to deliver the Scheme, and there is no

certainty that the necessary land and interests can be assembled by agreement within a reasonable period or, where such interests have already been acquired, there is no certainty as to the existence of third party rights that could threaten delivery of the Centre Park Link. As such, the Order is necessary to deliver the Scheme, although efforts to acquire all interests by negotiation will continue in parallel, both up to the making and confirmation of the Order, and also post-confirmation, prior to its implementation.

9. FINANCE OF THE SCHEME AND TIMESCALES FOR IMPLEMENTATION

- 9.1 Paragraph 14 of the Guidance sets out the elements that will be considered by the Secretary of State when confirming an Order, and requires that evidence is provided as to the sources and timing of funding.
- 9.2 The total estimated cost of the Scheme is £19.891 million, which will be met from public sector funds, as outlined at 9.5.
- 9.3 A Land Cost Estimate was commissioned from Lambert Smith Hampton Group Limited, with the total estimated value for the acquisition of land and property being assessed at £1.38M, based on current market conditions.
- 9.4 The Acquiring Authority has given proper consideration to potential blight claims being received by affected owners and occupiers. Based on the information currently available, it is considered unlikely that any claims received would meet the minimum criteria set out within the statutory provisions.

Public Sector Funding

Cheshire and Warrington Local Enterprise Partnership

- 9.5 In July 2014, the Cheshire and Warrington Growth Deal announced and confirmed an 'in principal' indicative allocation of £5.3 million toward the cost of the Centre Park Link Scheme. The Growth Deal identified the Scheme as the Warrington Waterfront Phase 1/Swing bridge. This funding was ratified by Cheshire and Warrington Local Enterprise at its April 2017 Partnership Performance and Investment Committee. The funding must be spent by 2020/21.

Housing Infrastructure Funding (HIF)

- 9.6 On 1 February 2018, the Secretary of State for Housing, Communities and Local Government announced an 'in principle' contribution of £3.686m to the Scheme from the Housing Infrastructure Fund (Marginal Viability).
- 9.7 The Marginal Viability Fund has been set up to enable the delivery of homes where the cost of infrastructure required to facilitate house building is too great. For these types of development, HIF funding will contribute to the final, or missing, piece of infrastructure funding to get additional sites allocated or existing sites unblocked quickly. In this case, the Centre Park Link Scheme will unlock land at Centre Park South for the provision of homes. The funding must be spent by 2020/21.

Council Funding

- 9.8 As an update to previous Council approvals, in March 2018 the Executive Board approved Council Capital borrowing of £10.905 million to enable the full delivery of the Scheme. The approved funding sources for the Centre Park Link Scheme are outlined below in Table 4, together with the timing of such funding coming forward:

Table 4: Acquiring Authority Funding Sources (Approved Executive Board March 2018)

| Acquiring Authority Funding Sources | Allocation (£million) | Timing of Funding |
|--|------------------------------|--------------------------|
| WBC Capital borrowing | 10.905 | N/A |
| LEP/LGF Grant | 5.300 | 2020/21 |
| Housing Infrastructure Funding | 3.686 | 2020/21 |
| Total | 19.891 | |

Timescales for Implementation

- 9.9 The Acquiring Authority will continue to negotiate as far as possible and reasonable with all parties with an interest in the Order Land, but would hope to be in a position that remaining land and property rights have been acquired (or the terms of the acquisitions agreed and progressing through detailed legal agreements) via negotiation prior to the end of July 2018.
- 9.10 The nature of the existence of land within unknown ownership and the issues surrounding the inability for Manchester Ship Canal Company Limited to convey land with vacant possession, means that an Order will be required over these parcels as a minimum, however.
- 9.11 The Acquiring Authority anticipates that should the compulsory purchase process result in a local Public Inquiry, this would be heard in or around the first quarter of 2019. In the event that the Order is confirmed by the Secretary of State, this would likely result in implementation by mid-September 2019, allowing the construction contract for the works to be awarded by the end of September 2019. Works would then commence on Site at the start of November 2019, completing circa 15 months later.
- 9.12 In the event that a local Public Inquiry is not required, the Acquiring Authority would seek to commence works on Site at the earliest possible time.

Conclusion

- 9.13 The Acquiring Authority is satisfied that, in accordance with Paragraph 14 of the Guidance, the Scheme has available all relevant resources to enable delivery, the necessary funding can be provided and, as set out above, it is financially viable.
- 9.14 If the Order is confirmed, development of the Scheme will be brought forward on the Order Land and the Site at the earliest opportunity. The target completion for delivering the Centre Park Link is 15 months from commencement of development.

10 HUMAN RIGHTS

- 10.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.
- 10.2 The following articles of the Convention are relevant to the determination as to whether the Order should be confirmed:
- 10.2.1 Article 1 of the First Protocol protects the right of everyone to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws. Any interference with possessions must be proportionate and, in determining whether a particular measure is proportionate, a fair balance must be struck between the public benefit sought and the interference with the rights in question;
 - 10.2.2 Article 6 entitles those affected by the powers sought in the Order to a fair and public hearing by an independent and impartial tribunal;
 - 10.2.3 Article 8 protects the right of the individual to respect for his private and family life, his home and his correspondence. A public authority cannot interfere with these interests unless such interference is in accordance with the law and is necessary in the interests of, inter alia, national security, public safety or the economic wellbeing of the country.
- 10.3 The Order has the potential to infringe the human rights of persons who own property in the Order Land. Such infringement is authorised by law provided:
- 10.3.1 the statutory procedures for obtaining the Order are followed and there is a compelling case in the public interest for the Order; and
 - 10.3.2 any intervention with the Convention right is proportionate to the legitimate aim served.
- 10.4 The Scheme has been designed to minimise interference with the peaceful enjoyment of a person's possessions under Article 1 of the First Protocol of the Human Rights Act. Under this Article, no person is to be deprived of their possessions, except in the public interest. Any interference with the right has to be provided for by law and strike a fair balance between the public interest and the protection of the rights of the individual. The public benefits associated with the Scheme are set out earlier in this Statement (Section 8) and the Acquiring Authority believes that the Scheme is in the public interest, and that this outweighs the harm caused by the use of compulsory purchase powers to acquire third party land for the Scheme.
- 10.5 In promoting the Order, the Acquiring Authority has complied with all relevant legislation and regulations. The Scheme has been extensively publicised (as

detailed within the Centre Park Link Statement of Community Involvement (September 2016 and updated November 2017) (Appendix 16) and consultation has taken place with the communities and parties that will be affected by the Order. All those affected by the Order will be notified, will have the right to make representations and/or objections to the Secretary of State, and to be heard at a Local Public Inquiry. It has been held that the statutory processes and associated right for those affected to pursue remedies in the High Court where relevant, are compliant with Article 6.

- 10.6 The Acquiring Authority considers that such interferences with Article 8, as may occur should the Order be confirmed, are in accordance with the law and are necessary in a democratic society in that they would be in pursuit of a legitimate aim, namely the economic well-being of the country and/or the protection of the rights and freedoms of others, and are proportionate, having regard to the public interest that the Scheme will bring, which will benefit the well-being of the area.
- 10.7 Although there is no obligation on the Acquiring Authority to establish that there are no less intrusive means available, the Order Land has been kept to the minimum necessary to construct the road and provide the associated mitigation measures.
- 10.8 Those directly affected by the Order will also be entitled to compensation, which will be payable in accordance with the Compulsory Purchase Compensation Code. This will be assessed on the basis of the market value of the property interest acquired, disturbance and statutory loss payment. The reasonable surveying and legal fees incurred by those affected will also be paid by the Acquiring Authority. The Compulsory Purchase Code has been held to be compliant with Articles 8 and Article 1 of the First Protocol.
- 10.9 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole”. Both public and private interests are to be taken into account in the exercise of the Acquiring Authority’s powers and duties. Similarly, any interference with Article 8 rights must be “necessary in a democratic society”, i.e. proportionate.
- 10.10 The public interest can only be safeguarded by the acquisition of this land and such acquisition would not place a disproportionate burden on the affected landowners. In addition, the Scheme already has the benefit of planning permission, the grant of which involved the weighing of all material planning considerations, including the public benefit of pursuing the Scheme against any disruption and interference that would be caused to individual rights.
- 10.11 In pursuing this Order, the Acquiring Authority has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the Scheme construction. Interference with Convention rights is considered by the Acquiring Authority to be justified in order to secure the economic regeneration, environmental and public benefits which the Scheme will bring.

11. RELATED ORDERS AND SPECIAL CATEGORY LAND

Planning Permission

- 11.1 As noted in Section 6 of this Statement, the Scheme has the benefit of the Planning Permission, and no problem is anticipated with the formal discharge of conditions.

Traffic Regulation Orders

- 11.2 Traffic Regulation Orders will be required to introduce new, and amend existing, speed limits, to prohibit or restrict parking and waiting of vehicles, and to prohibit or restrict the loading and unloading of vehicles. The Traffic Regulation Orders are in the process of being made and are not considered an impediment to the delivery of the Scheme.

Land Drainage Consent

- 11.3 A Land Drainage Consent application pursuant to the Land Drainage Act 1991 was granted in April 2017.

Marine Licence (MMO)

- 11.4 A Marine Licence application pursuant to Part 4 of the Marine and Coastal Access Act 2009 has been submitted. This is currently undergoing EIA consultation, the deadline for which is 4 June 2018. The MMO is expected to be received in July 2018.

Ecology Licence

- 11.5 An Ecology Licence application pursuant to Section 10 of the Protection of Badgers Act 1992 was submitted in June 2017 to Natural England and was subsequently granted in October 2017.

Bridging Scheme

- 11.6 As the River Mersey is a tidal river classified as a "navigable waterway" in the location of the proposed Bridge, public rights of way akin to those of right of way over a highway exist unless they have been revoked by legislation or through natural causes, where the river can no longer physically be navigated.
- 11.7 Interference with those public rights of navigation, to the extent of constructing a bridge over or a tunnel under navigable waters, must be formally authorised and, in accordance with paragraph 1.3 of DfT Circular 1/97, cannot be achieved by voluntary agreement with the navigation authority which, in this location, is The Mersey Docks and Harbour Company Limited, a wholly owned subsidiary of Peel Ports Investments Ltd ("the Navigation Authority").
- 11.8 By virtue of Section 106(3) of the 1980 Act, the Acquiring Authority has the power to make a Bridging Scheme for the construction of the new road bridge over specified navigable waters for use as a proposed highway maintainable at the public expense,

subject to the confirmation of the Secretary of State for Transport.

- 11.9 The Acquiring Authority made the Bridging Scheme on 20 December 2017 and submitted the same to the Department for Transport for confirmation on 18 January 2018. No objections to the Bridging Scheme were received during the representation period, from either the Environment Agency, the Navigation Authority or for any third parties. The Bridging Scheme is currently being assessed by the National Transport Casework Unit but it is believed that this will be capable of being translated into a Statutory Instrument, authorising the construction of the bridge across navigable waters, once the MMO (detailed at 11.4 above) has been granted.

Special Category Land

Statutory Undertakers' Land

- 11.10 The Order Land includes land which has been acquired by statutory undertakers for the purposes of their undertaking. In accordance with s.16 of the Acquisition of Land Act 1981, any acquisition of such special category land could result in a separate and additional power in favour of statutory undertakers to make representations to their Minister and, until such an objection is withdrawn, no Order can be confirmed. Section 16(2) allows the confirmation of an Order notwithstanding the presence of an extant objection if the Secretary of State for Business, Energy and Industrial Strategy is satisfied that the land in question can either be purchased without serious detriment to the carrying on of the undertaking, or that replacement land can be given.
- 11.11 In accordance with the New Roads and Street Works Act 1991, extensive discussions have taken place with all statutory undertakers to determine if they are affected by the Scheme and, if so, to confirm the necessary measures that will be required where their operational apparatus will be impacted. Bearing this in mind, and in consideration of the ongoing negotiations with the relevant statutory undertakers, it is considered that there will be no serious detriment to the carrying on of the undertaking and, as such, section 16(2) is satisfied.

Crown Land

- 11.12 The title documents to the majority of the plots within the Order Land except mines and minerals and it was believed that these may have been reserved to the Duchy of Lancaster historically. A specific query was raised of both the Crown and the Duchy of Lancaster, asking for confirmation of the Crown land that may exist within the Site required for delivery of the Scheme. By way of an email dated 21 May 2018, a representative of The Crown Estate confirmed that "*The Crown Estate is not affected by the proposed link crossing.*"
- 11.13 This response did make a reference to having one "dealing" in land, which appears to relate to Plot 4 (Network Rail Infrastructure Ltd owned land), but it is unclear what the dealing is and enquiries continue to be raised.
- 11.14 Diligent enquiry of the ownership status of the affected land interests has not uncovered any land owned by the Crown or Crown Estate. In the event that it is

discovered that there are Crown interests, the Acquiring Authority will engage with the Crown to either acquire the interest privately or to seek approval for the interest to be included within the Order.

- 11.15 Given that the road and bridge construction will require the acquisition of subsoil, for the avoidance of doubt, the Order does include not only the surface of plots but also the mines and minerals below it.

12. INSPECTION OF DOCUMENTS AND CONTACT DETAILS

- 12.1 The following documents are available for public inspection during normal office hours at Contact Warrington, 26-30 Horsemarket Street, Warrington WA1 1XL.
- 12.2 The documents are:
- 12.2.1 the Order and Order Schedule;
 - 12.2.2 the Order Map; and
 - 12.2.3 this Statement of Reasons.
- 12.3 The documents can also be viewed on the Acquiring Authority's website at <https://www.warrington.gov.uk/Centreparklink>
- 12.4 Interested parties affected by the Order who wish to discuss matters with the Acquiring Authority should contact Tom Shuttleworth, Infrastructure Delivery Service Manager, by one of the following means:
- 12.4.1 by telephone on 01925 442353
 - 12.4.2 by e-mail to x-tshuttleworth@warrington.gov.uk
 - 12.4.3 by post to Warrington Borough Council, Warrington Borough Council, New Town House, Buttermarket Street, Warrington WA1 2NH marked for the attention of Tom Shuttleworth.
- 12.5 Owners and occupiers of properties affected by the Order who wish to progress discussions for the acquisition of their interest should contact James Ogborn MRICS, Consultant to Lambert Smith Hampton Group Limited on 0161 300 7763 or via email at jamesogborn@axisllp.com
- 12.6 The Acquiring Authority will assist, wherever practicable, occupiers of properties affected by the Order to relocate to alternative premises.

APPENDICES

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| Appendix 1 | Order Map |
| Appendix 2 | Site Plan |
| Appendix 3 | Executive Board Report and Minute dated 10 October 2016, and Officer's Decision Notices dated 28 June 2018 and 29 June 2018 respectively |
| Appendix 4 | Order and Order Schedule |
| Appendix 5 | Outline Business Case |
| Appendix 6 | Extract from Warrington Centre Park Link Environmental Statement, Volume 1 (February 2017) – Assessment Conclusions |
| Appendix 7 | Preferred Development Option |
| Appendix 8 | SHLAA (Reference 1715) |
| Appendix 9 | Warrington Means Business |
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| Appendix 11 | Cheshire and Warrington Matters: A Strategic and Economic Plan for Cheshire and Warrington |
| Appendix 12 | Atlantic Gateway Business Plan |
| Appendix 13 | Warrington Borough Council Corporate Strategy 2018-20 |
| Appendix 14 | Core Strategy (relevant policy extracts) |
| Appendix 15 | Planning Permission |
| Appendix 16 | Centre Park Link Statement of Community Involvement (September 2016 and updated November 2017) |