THE SEFTON METROPOLITAN BOROUGH COUNCIL

(THORNTON TO SWITCH ISLAND LINK ROAD)

A5758 BROOM’S CROSS ROAD

(SIDE ROADS) ORDER 2012

AND

COMPULSORY PURCHASE ORDER 2012

STATEMENT OF REASONS
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Introduction</strong></td>
<td>1</td>
</tr>
<tr>
<td>1.1 Purpose of Statement</td>
<td></td>
</tr>
<tr>
<td>1.2 Powers under which the Orders are made</td>
<td></td>
</tr>
<tr>
<td>1.3 Confirmation of Orders</td>
<td></td>
</tr>
<tr>
<td><strong>2. Scheme History and Background</strong></td>
<td>5</td>
</tr>
<tr>
<td>2.1 Introduction</td>
<td></td>
</tr>
<tr>
<td>2.2 Site Location</td>
<td></td>
</tr>
<tr>
<td>2.3 Site Description</td>
<td></td>
</tr>
<tr>
<td>2.4 Background to the Scheme</td>
<td></td>
</tr>
<tr>
<td>2.5 Scheme History</td>
<td></td>
</tr>
<tr>
<td><strong>3. Need for the Scheme and Objectives</strong></td>
<td>9</td>
</tr>
<tr>
<td>3.1 Introduction</td>
<td></td>
</tr>
<tr>
<td>3.2 Existing Conditions</td>
<td></td>
</tr>
<tr>
<td>3.3 Need for the Scheme</td>
<td></td>
</tr>
<tr>
<td>3.4 Scheme Objectives</td>
<td></td>
</tr>
<tr>
<td><strong>4. The Scheme and How it Meets the Objectives</strong></td>
<td>14</td>
</tr>
<tr>
<td>4.1 Introduction</td>
<td></td>
</tr>
<tr>
<td>4.2 Summary Scheme Description</td>
<td></td>
</tr>
<tr>
<td>4.3 Design Standards</td>
<td></td>
</tr>
<tr>
<td>4.4 Detailed Route Description</td>
<td></td>
</tr>
<tr>
<td>4.5 VOSA Compound</td>
<td></td>
</tr>
<tr>
<td>4.6 Drainage</td>
<td></td>
</tr>
<tr>
<td>4.7 Lighting and Signing</td>
<td></td>
</tr>
<tr>
<td>4.8 Additional Traffic Management Measures</td>
<td></td>
</tr>
<tr>
<td>4.9 Statutory Services and Diversions</td>
<td></td>
</tr>
<tr>
<td>4.10 Environmental Mitigation Measures</td>
<td></td>
</tr>
<tr>
<td>4.11 Accommodation Works</td>
<td></td>
</tr>
<tr>
<td>4.12 Temporary Land Use</td>
<td></td>
</tr>
<tr>
<td>4.13 Construction</td>
<td></td>
</tr>
<tr>
<td>4.14 Maintenance</td>
<td></td>
</tr>
<tr>
<td>4.15 Assessment of Scheme</td>
<td></td>
</tr>
<tr>
<td>4.16 Meeting Scheme Objectives</td>
<td></td>
</tr>
<tr>
<td><strong>5. Consultation and Public Engagement</strong></td>
<td>37</td>
</tr>
<tr>
<td>5.1 Introduction</td>
<td></td>
</tr>
<tr>
<td>5.2 Article 1 of the First Protocol to the ECHR</td>
<td></td>
</tr>
<tr>
<td>5.3 Consultation Background</td>
<td></td>
</tr>
<tr>
<td>5.4 Public Consultation during Development of the Proposed TSIL Scheme</td>
<td></td>
</tr>
</tbody>
</table>
5.5 Consultations During the Planning Application Stage

6. The Planning Position

6.1 Introduction
6.2 Planning History
6.3 Planning Policy Context
6.4 Policy Provision for the Thornton to Switch Island Link

7 Scheme Approval, Financial Provision and Programme

7.1 Scheme Approval and Financial Provision
7.2 Scheme Cost
7.3 Funding
7.4 Programme

8 Side Roads Order

8.1 The Need for a Side Roads Order (SRO)
8.2 The Need for Side Roads Alterations
8.3 Site Plan No.1 – Long Lane, Back Lane and Other Alterations
8.4 Site Plan No. 2 – Brickwall Lane and Other Alterations
8.5 Site Plan No. 3 – Chapel Lane and Other Alterations
8.6 SRO Summary

9 The Compulsory Purchase Order

9.1 Introduction
9.2 Consultation with Land Interests
9.3 The Order
9.4 The Need for the Order Land
9.5 The Order Land
9.6 Description of Land Required for Title by Plot References
9.7 Description of Land Required for Rights by Plot References
9.8 Completeness Of CPO and Crown Land
9.9 Planning Permission and Other Consents
9.10 Special Consideration Affecting the Order Land
9.11 Property Demolition
9.12 Related Order
9.13 CPO Summary

10. Further Information

10.1 Supporting Documents
10.2 Access To Documents
10.3 Compensation
<table>
<thead>
<tr>
<th>Appendix 1</th>
<th>Scheme Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix 2</td>
<td>Public Rights of Way Plan</td>
</tr>
<tr>
<td>Appendix 3</td>
<td>Government Office NW - Non Intervention Letter</td>
</tr>
<tr>
<td>Appendix 4</td>
<td>Planning Application Decision Notice - Conditions</td>
</tr>
<tr>
<td>Appendix 5</td>
<td>DfT Funding Letter and Sefton MBC Response</td>
</tr>
<tr>
<td>Appendix 6</td>
<td>Protected Assets Certificate</td>
</tr>
<tr>
<td>Appendix 7</td>
<td>Two Agreements with DfT</td>
</tr>
<tr>
<td>Appendix 8</td>
<td>List of Supporting Documents</td>
</tr>
</tbody>
</table>
1 INTRODUCTION

1.1 Purpose of the Statement

1.1.1 Under the provisions of the Highways Act 1980, Sefton Metropolitan Borough Council (SMBC) has:

- made the (Thornton to Switch Island Link Road) A57 58 Broom’s Cross Road (Side Roads) Order 2012 and is seeking confirmation of the Order from the Secretary of State for Transport; and also
- made the (Thornton to Switch Island Link Road) A57 58 Broom’s Cross Road Compulsory Purchase Order 2012 and is seeking confirmation of that Order from the Secretary of State for Transport.

1.1.2 This statement has therefore been prepared to support these Orders by describing the aim and purpose of the proposals for the Thornton to Switch Island Link Road (TSIL) and to explain the reasons, the deliverability and purposes for making the Orders in terms of:

- its justification and need;
- the consultation process and how third parties’ interests have been considered;
- its consent status e.g. planning permission for the scheme;
- the availability of all the necessary funding;
- the availability of all the land and why it is all necessary;
- explaining the statutory requirements that have to be completed before construction can start; and
- confirmation that there are no legal impediments to the scheme being implemented.

1.1.3 The document will demonstrate that the requirements of Circular from the Office of the Deputy Prime Minister 06/04 relating to Compulsory Purchase and the Crichel Down Rules (Appendix R – Preparing the Statement of Reasons), and the requirements of the Highways Act 1980 sections 14(6) and 125(3) relating to Side Roads Orders (stopping up and the provision of alternative arrangements) have been met.

1.2 Powers under which the Orders are made

1.2.1 The Side Roads Order is made under sections 14 and 125, and in accordance with Schedule 1 of the Highways Act 1980.

Section 14 of the Act authorises the Council in relation to the classified road:-

(i) to stop up, improve, divert, raise or lower or otherwise alter a highway that crosses or enters the route of the road or is or will be otherwise affected by the construction of the road;

(ii) to construct a new highway for purposes concerned with any such alteration as aforesaid or for any other purpose connected
Section 125 of the Act provides that any order made by the Council under section 14 may authorise the Council to:

(iii) stop up each private means of access to premises adjoining or adjacent to land comprised in the route of the classified road, or forming the site of any works authorised by the order, and;

(iv) to provide new private means of access to any such premises.

1.2.2 The Compulsory Purchase Order is made under sections 239, 240, 246, 249 and 250 of the Highways Act 1980. The powers in the Act enable the Acquiring Authority to acquire land compulsorily and acquire rights compulsorily by creating new rights for the following purposes:

(a) the construction of a new highway which will provide a link between Southport Road (A565) at Thornton and the junction of the M57, M58, A59 and A5036 at Switch Island, Netherton, and a new highway link to Park View at Thornton, in the Metropolitan Borough of Sefton (see Scheme Plan in Appendix A);

(b) the diversion and extinguishment of existing drainage and the carrying out of drainage works in connection with the construction of highways, including the construction of four attenuation ponds adjacent to Long Lane, Rakes Lane, Netherton Brook and Switch Island Junction (see Scheme Plan in Appendix A), and the provision of new means of access to those attenuation ponds;

(c) the construction of the following ancillary highway:
   - a new highway between the improved Long Lane and the improved Ince Lane (A565)

the construction of the following new bridleways:
   - a new bridleway along the northern boundary of the Classified Road from Holgate to Back Lane, then along Back Lane to its junction with Longdale Lane;
   - a new bridleway along the route of Holgate, from north of Orchard House to the Classified Road;
   - a new bridleway along the southern boundary of the Classified Road from Rakes Lane to Holgate;
   - a new bridleway along the route of Chapel Lane from east of its junction with the access to the Lodge to the Classified Road

and improvement of the following existing highways:
   - Ince Lane (A565) at Thornton
Southport Road (A565) at Thornton
Long Lane at Thornton
Ince Road at Thornton
Southport Road (Service Road) at Thornton
Park View (A565) at Thornton
Holgate at Thornton
Brickwall Lane at Netherton
Chapel Lane at Netherton

in pursuance of the Sefton Metropolitan Borough Council
(Thornton to Switch Island Link Road) A5758 Broom’s Cross
Road (Side Roads) Order 2012;

(d) use by the acquiring authority to construct a turning head on
Holgate in connection with the construction and improvement of
highways and the provision of new means of access to premises
as aforesaid;

(e) the provision of new means of access to premises in pursuance
of the Sefton Metropolitan Borough Council (Thornton to Switch
Island Link Road) A5758 Broom’s Cross Road (Side Roads)
Order 2012;

(f) use by the acquiring authority for use as site compounds and
topsoil storage areas in connection with the construction and
improvements of highways as aforesaid;

(g) mitigating the adverse effect on land used by the Vehicle and
Operator Services Agency (VOSA) which the existence or use of
the highways proposed to be constructed or improved will have
on its operation;

(h) mitigating the adverse effect which the existence or use of the
highways proposed to be constructed or improved will have on
the surroundings thereof by the provision of landscaping and
habitat creation;

(i) the right to cleanse and maintain existing watercourse at Hunts
Brook.

1.3 Confirmation of Orders

1.3.1 The making and confirmation of the Side Roads Order will enable the
Council to improve, raise, lower, divert or otherwise alter highways; stop up
highways; construct new highways; stop up private means of access to
premises, required as a consequence of the construction of the classified road
and; to provide new private means of access to premises.

1.3.2 The making and confirmation of the Compulsory Purchase Order will
enable the Council to acquire the land and rights necessary for the
construction and maintenance of the road scheme and ensure the necessary improvements to the local highway network.
2 BACKGROUND AND SCHEME HISTORY

2.1 Introduction

2.1.1 The Thornton to Switch Island Link Road (TSIL) has been developed over a period of time. More recently the TSIL has been designated as the A5758 Broom’s Cross Road. For the purposes of this Statement of Reasons and supporting documents, the new road will continue to be referred to as the Thornton to Switch Island Link Road.

2.2 Site Location

2.2.1 The proposed TSIL is situated within the North West of England on the urban fringe of Sefton Borough (see Figure 1 – Regional Location). The scheme is located approximately 10 kilometres north of Liverpool City Centre and 20 kilometres to the south of Southport, and is linked to the Trunk Road Network. The route corridor runs parallel to, and north of the existing A565 and A5207 and extends from the A565 Southport Road at Thornton to the junction of the M57 and M58 at Switch Island, and bypasses the residential areas of Netherton and Thornton to the south, and the villages of Lunt and Sefton to the north.

2.2.2 The Order Land falls within two Parishes within the Metropolitan Borough of Sefton. The land is divided between the Parishes by area as follows:

- Parish of Thornton 10.6262 ha; and
- Parish of Sefton 23.6621 ha

Figure 1 – Regional Location
2.2.3 The surrounding areas are mainly suburban residential communities, with some more rural areas between them. Locally based opportunities for employment are limited, so the majority of working people in the area travel to work, particularly to Liverpool, Bootle, and Southport and also further afield into Merseyside, Greater Manchester and Cheshire.

2.3 Site Description

2.3.1 The area through which the scheme passes is a flat, low-lying area of open arable agricultural land located north of Thornton and Netherton, and south of the villages of Sefton and Lunt (see Figure 2). The elevation of the scheme varies between approximately 7m and 18m Above Ordnance Datum. It forms part of the surface run-off catchment area of the River Alt, the closest major watercourse to the scheme.

2.3.2 The Alt flows from the south east to the north of the area, and is located approximately 0.5 km north at the eastern end of the scheme, and 2.5 km directly north at the western end. A number of drainage ditches, constructed to increase agricultural productivity and to reduce the level of the surrounding water table, also cross the scheme area.

Figure 2 – Site Location

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2.4 Background to the Scheme

2.4.1 The proposed Thornton to Switch Island Link (TSIL) Road scheme is located within the Sefton Council area on Merseyside. The main method of travel to work is by private car, due to limited opportunities to use passenger transport. A substantial proportion of the traffic using the existing Thornton to Switch Island Link Road corridor is traveling some distance.

2.4.2 Traffic using the existing route corridor is creating significant congestion and environmental impacts to the local communities. This is affecting the quality of life in the existing adjacent residential areas, and causing frustration and delay to both business and commuter travel.

2.4.3 A new link road is therefore required to relieve the congestion, and to take the through traffic away from the adjacent residential areas.

2.4.4 The new link road will bring benefits to the local communities, and will also provide benefits for the wider region, in particular improving the links to the Port of Liverpool, the Atlantic Gateway and Southport from the motorway network.

2.5 Scheme History

2.5.1 Proposals for a highway link along the Thornton to Switch Island corridor have a long history, with the need for an improved route between Switch Island and Southport Road (A565T) being identified in 1968 during the planning process for the implementation of the M57, M58 and M62 motorways.

2.5.2 In the late 1980s and early 1990s proposals were developed for a 7.6km long all-purpose dual carriageway link between Switch Island and Ince Blundell. This followed a similar route to the current proposal, but extended a further 3km to the northwest. The road was to have grade-separated junctions and two lanes in either direction, with a wide central reservation to allow for future widening. A Public Inquiry was held between November 1992 and January 1993, and despite a favorable Inspector’s report, the then Secretary of State refused the scheme in May 1995.

2.5.3 Following refusal, SMBC decided not to pursue the aforementioned scheme. Instead they undertook an area-wide integrated transport study to assess transport needs and evaluate alternative highway improvement needs. As a result of the study, recommendations for a direct link between Switch Island and the Northern Perimeter Road (A5207), and an upgrade of the Brickwall Lane / Lydiate Lane junction, were carried forward to the Merseyside Provisional Local Transport Plan (LTP) in 1999. However, public consultation highlighted a reaction against these proposals, as it was felt that they failed to address the transport needs of the area.

2.5.4 In order to resolve these issues SMBC undertook a further comprehensive consultation in May 2000, from which six highway options
were identified. The options were assessed using the Government’s ‘New Approach to Appraisal’ (NATA), and further public consultations took place in 2003 and 2006 as the scheme developed. As a result, proposals for a single carriageway Thornton to Switch Island Link were included in the first Merseyside LTP, from 2001 to 2006. In 2006 the Regional Assembly gave the scheme a high priority and included it in the recommendations for the Regional Funding Allocation (RFA), which were subsequently accepted by the Secretary of State.

2.5.5 In 2007, Sefton MBC prepared a Major Scheme Business Case for the Thornton to Switch Island scheme and the project was granted Major Scheme Programme Entry by the Department for Transport in September 2008.

2.5.6 In 2009 Sefton MBC appointed an Early Contractor Involvement contractor and his designer (a team with all the necessary skills to take the scheme from planning through detailed design and construction to opening) to take the scheme through the next stages in its development, and a planning application was submitted in July 2010 supported by an Environmental Impact Assessment. Sefton MBC subsequently approved the application in January 2011, following the Government Office Northwest’s conclusion that the Secretary of State’s intervention would not be justified. Thus the scheme has the necessary planning approvals (see Appendices 3 and 4).

2.5.7 In October 2010, following the review of major highway schemes as part of Government’s Spending Review the scheme was included in the Department for Transport’s (DfT) list of ‘Supported Schemes’ that it was intending to take forward to be constructed in the period to 2015. DfT support for TSIL was confirmed in February 2011 when it approved the funding and Sefton MBC confirmed acceptance of the proposed terms and conditions. Thus the scheme has the necessary funding approvals (see Appendix 5).
3 NEED FOR THE SCHEME AND OBJECTIVES

3.1 Introduction

3.1.1 This section gives a summary of the reasons for the scheme, and thus why land is required for construction of the road, as well as justifying the associated Side Roads Order. This information is set out in greater detail in the Transportation Statement, which was submitted as part of the Planning Application.

3.2 Existing Conditions

3.2.1 The study area is located north of Liverpool on the urban fringe of Merseyside where the M57 and M58 motorway network meets with the urban road network at Switch Island. Traffic traveling from Southport and Netherton to the motorway network passes along the A565/A5207 route corridor before joining the A5036 Dunnings Bridge Road at Copy Lane junction. It then passes north along Dunnings Bridge Road before joining the motorways at Switch Island. The A5036 Dunnings Bridge Road is the main route to the Port of Liverpool. The existing highway network is shown in Figure 3 over the page.
3.2.2 The existing A5207 between Thornton and Switch Island passes through the local communities of Thornton and Netherton. The importance of the A5207 corridor to the wider strategic network has led to large volumes of traffic using the route. This has resulted in congestion problems between Thornton and Netherton on the A565 Park View in Thornton, and on the A5207 from Green Lane in the west, via Lydiate Lane and Northern Perimeter Road, to Copy Lane in the east. In addition the Switch Island Junction and the A5036 Dunnings Bridge Road, the main access route to the Port of Liverpool from the M57 and M58, is also heavily congested during much of the day.

3.2.3 On Lydiate Lane the average weekday traffic flow is more than 20,000 vehicles, reducing slightly to 19,000 on the Northern Perimeter Road. Edge Lane, which runs parallel to Lydiate Lane, carries about 19,000 vehicles on an average weekday. Combining these two routes means that nearly 40,000 vehicles are traveling through the Thornton area on an average weekday. The majority of traffic from Edge Lane continues on to (or from) Gorsey Lane, towards Litherland, which also carries about 19,000 vehicles every weekday.

3.2.4 The theoretical capacity of a link can be calculated in accordance with the guidance given in TA 79/99 – Traffic Capacity of Urban Roads (DMRB Volume 5, Secion 1, Part 3). The threshold above which delays are likely to occur is generally accepted as 85% of the theoretical capacity.

3.2.5 On Lydiate Lane and Green Lane the average morning peak hour flow was found to be 107% of its theoretical capacity in the east bound direction, and the average afternoon peak flow was found to be 108% above theoretical capacity.

3.2.6 Northern Perimeter Road and Copy Lane are wider than Green Lane and Lydiate Lane, and therefore have a greater theoretical capacity. So despite having similar flows of traffic to Lydiate Lane and Green Lane, the recorded peak hour flows along Northern Perimeter Road and Copy Lane are in the region of 65-70% of their theoretic capacities. As a result, this link is not currently exceeding its capacity, but congestion problems along it are primarily caused by the junctions, as described below.

3.2.7 The A5036 Dunnings Bridge Road / A5207 Copy Lane junction, and the junction of A5207 Green Lane and A565 Quarry Road, have been operating at greater than capacity for many years. In 1993, the Copy Lane/Dunnings Bridge Road junction was reported to be operating at 106% capacity during the pm peak. The Green Lane/Quarry Road junction was reported to be operating at 129% capacity when conditions were at their worst. The flow of traffic through the junction at A5207 Northern Perimeter Road / Lydiate Lane and the A5207/ B5422 Brickwall Lane junctions also exceeds capacity, especially during the morning peak hour.

3.2.8 In 2009, surveys of journey times were undertaken along the A5207 between Switch Island and the Green Lane/Quarry Road junction, and along the A565 between the Green Lane/Quarry Road junction and the southern end of the Formby bypass at the junction with the B5193. Journey time data
along this entire route, from Switch Island to the southern end of the Formby bypass, indicates a poor level of journey time reliability. In the morning peak hour in the eastbound direction, the longest journey measured (29 mins 37 secs) was almost two and a half times longer than the shortest journey time (12 mins 21 secs). The westbound flows in the afternoon peak showed a similar difference between maximum (24 mins 16 secs) and minimum (10 mins 45 secs) journey times.

3.2.9 The impact of traffic congestion on journey times can also be illustrated by calculating the average speed of traffic along the route, using data from the 2009 surveys. Along the A5207 from Switch Island to its junction with A565 Quarry Road/Green Lane, the speed limit is mainly 30mph with some sections of 40mph. In the westbound direction during the morning peak hour the average speed of traffic is 16.4mph, and in the afternoon peak is 13.6mph. In the eastbound direction during the morning peak hour the average speed is 18.0mph, and in the afternoon peak is 18.6mph.

3.2.10 Along most of the section of A565 under consideration, the speed limit is 50mph. In the westbound direction during the morning peak hour the average speed of traffic is 35.9mph, and in the afternoon peak is 34.2mph. In the eastbound direction during the morning peak hour the average speed is 15.6mph, and in the afternoon peak is 13.6mph. This shows the impact on journey time and average speed of having to negotiate the junctions at Copy Lane, Brickwall Lane and Quarry Road/Green Lane. Once past the Quarry Road/Green Lane junction in the westbound direction, traffic speeds increase significantly.

3.3 Need for the Scheme

3.3.1 The traffic model developed for the scheme has demonstrated that without the proposed link road, traffic is estimated to increase by 6% and 24% across local routes, between 2012 and 2027. This will place additional pressure on the capacity of junctions and links in the area, especially the A5207.

3.3.2 The proposed link road is therefore needed to address the following important local and sub-regional issues that would otherwise occur:

- Traffic congestion on the A5207 Green Lane, Lydiate Lane and Northern Perimeter Road;
- Access to the north of the Borough from the motorway network, especially Southport, which has a significant visitor based economy;
- Traffic congestion on the A5207 Copy Lane junction with the A5036 Dunnings Bridge Road, which affects access and journey times to Atlantic Park and the Port of Liverpool;
- Local environmental conditions, especially in terms of noise for local communities along Green Lane, Lydiate Lane and the Northern Perimeter Road;
- ‘Rat running’ traffic through the rural villages of Ince Blundell, Lunt and Sefton;
• Access and road safety for local communities along Green Lane, Lydiate Lane and the Northern Perimeter Road, and;
• Conditions for public transport, walking and cycling along Green Lane, Lydiate Lane and the Northern Perimeter Road.

3.4 Scheme Objectives

3.4.1 The Major Scheme Business Case (MSBC) as accepted by the Department for Transport (DfT), identified a number of objectives based upon the issues and problems surrounding the current highway network in the area, and highlighted previously in this chapter. These objectives, which are listed below, will therefore need to be achieved by the implementation of the proposed scheme:

• To relieve congestion on the local highway network in the Thornton to Switch Island corridor, with resulting improvements in local environmental quality for the local communities of Netherton, Thornton and the Sefton villages;
• To provide improvements to local access, safety, public transport, walking and cycling along the existing highway network in the Thornton to Switch Island corridor;
• To improve highway access between the northwest’s motorway system and Southport to contribute to the development of Southport;
• To improve access to the Atlantic Gateway Strategic Investment development sites in the Netherton area of Merseyside; and
• To contribute to the Port of Liverpool – Strategic Access Plan by providing more reliable journey times on the northern part of the A5036, and reducing delays to other strategic traffic in the area.

The acquisition of land is necessary to in order to build the road, which in turn will achieve these objectives.
4 THE SCHEME AND HOW IT MEETS THE OBJECTIVES

4.1 Introduction

4.1.1 This section describes the physical elements and characteristics of the scheme which has been developed to resolve the problems highlighted in Chapter 3. It also describes the variety of scheme impacts and proposed mitigation measures and benefits of the new road, and concludes with how the scheme meets the strategic scheme objectives.

4.2 Summary Scheme Description

4.2.1 The proposed Thornton to Switch Island Link Road will comprise a 4.2km long, 10m wide single carriageway with 1 metre edge strips. The roadside verges will be grassed and will typically be 2.5m wide. There will be no footways in the verges. Existing routes which cross and tie into the new road will be preserved and improved. The scheme will largely be at grade as there are no proposed bridges or retaining structures to be incorporated along the route other than piped culverts under the road. A gantry is to be installed over the road on the eastbound approach to Switch Island.

4.2.2 The scheme will commence in the west at the existing Southport Road (A565) to the north of Thornton and will travel eastwards around the communities of Thornton and Netherton before connecting with Switch Island, a major strategic signal controlled junction between the M57, M58, A59 and the A5036 (T) Dunnings Bridge Road.

4.2.3 At the western end, the road will form a staggered, ghost island junction with Long Lane and Ince Road and further east there will be a new roundabout, with a spur connecting to Park View. There will be a pedestrian controlled crossing provided where the new road crosses Holgate, and there will be a signal controlled junction where the new road crosses Brickwall Lane. Further east, there will be a traffic and pedestrian signal controlled crossing at Chapel Lane, to allow for both traffic to access Chapel Lane to the north, and non-motorised users to cross the road safely. The scheme will terminate at its eastern end with the construction and implementation of a remodeled signal controlled junction at Switch Island. Details of the links into Switch Island are described in section 4.4.11 and 4.4.12.

4.2.4 Whilst there are no footways along side the new road, new footpaths will be created as part of the scheme, and cycling and walking will be encouraged in the adjacent residential areas by the removal of through traffic.

4.3 Design Standards

4.3.1 The road has been designed to the requirements for geometric layouts set out in the Department for Transport’s standards and advice notes, contained in the Design Manual for Roads and Bridges (DMRB).
4.3.2 The classified road has been designed to a design speed of 85kph. The cross-section is defined as a wide single carriageway, or WS2 in accordance with the DMRB.

4.4 Detailed Route Description

4.4.1 Drawing no. B1286300/PA/002, which shows the extent of the proposed link road, can be found in Appendix 1.

Western Section

4.4.2 At the western end of the scheme a staggered ghost island junction with Ince Road and Long Lane will be provided. To achieve the staggered layout, Long Lane will be re-located approximately 75m west of its current location, requiring land acquisition, with Ince Road remaining on its current alignment. There is an existing bend in Long Lane that lends itself to this realignment.

4.4.3 This layout, providing a ghost island for traffic turning right off the main line, is a safer provision than at present, and will allow for all movements. The existing bus stops close to the junction will be re-located to a similar location on the new road.

4.4.4 Beginning at this western end, on the A565 Ince Lane, the new road will lead off on a left hand curve, in a south-easterly direction through the Ince Road/Long Lane junction, to a new three armed roundabout junction with Park View. Park View will be extended northwards by a new link spur approximately 300m long to join the new roundabout. The roundabout will have a central island of 54m diameter with a circulatory carriageway 10.5m wide. Each entry arm will be three lanes wide.

Park View Roundabout to Brick Wall Lane

4.4.5 The road will then continue in an easterly direction, on a right hand curve, passing to the north of Orchard House, towards the existing Holgate/Back Lane junction. The road will travel in cut adjacent to Orchard House to minimise the environmental impact. At Holgate, a Pegasus crossing (accommodating pedestrian, cyclists and equestrians) will be provided to allow all non-motorised users to cross the new road. Holgate is to be stopped up to vehicular traffic between the new road and Orchard House.

4.4.6 Behind the Thornton Garden of Rest, the road will continue approximately along the line of Back Lane. Here the road would be at, or just above existing ground level, which is necessary to achieve a drainage outfall in the vicinity of Rakes Lane. A new bridleway will be created parallel to the southern boundary of the new road, traveling from Holgate eastwards via Rothwells Lane and public footpath Thornton No. 2, to Rakes Lane. Similarly a new bridleway will run parallel to the northern boundary of the new road,
from Holgate, traveling eastwards to Back Lane. Back Lane will be stopped up to vehicular traffic between the new road and Longdale Lane.

4.4.7 The road will continue on a straight alignment, on shallow embankment, to a traffic signal controlled junction with the B5422 Brickwall Lane. This embankment reaches a maximum height of approximately 2.3m at chainage 2100, where it travels through an existing depression in the ground. At the Brickwall Lane junction the road will be widened on the approaches to give sufficient storage for queuing traffic. Brickwall Lane will be improved by widening on the western side of the existing road, which will retain the existing brick wall on its eastern boundary. A pedestrian crossing phase will be incorporated into the junction signals to maintain the existing footway route through the new road, along the eastern verge of Brickwall Lane. Land required for all of these improvements is allowed for within the CPO (see Section 9).

Brickwall Lane to Switch Island

4.4.8 From Brickwall Lane the road continues initially on a left hand curve, and in slight cut, then on a right hand curve crossing Netherton Brook to Chapel Lane. Adjacent to the existing properties - The Lodge, Manor House Farm and The Stables - the road will be placed in shallow cut to mitigate the environmental impacts.

4.4.9 At Chapel Lane, a traffic signal controlled junction will be provided to allow vehicular access between the new road and the north part of Chapel Lane, and to maintain safe agricultural access across the new road, and access to Brook House Farm. Chapel Lane will be stopped up to vehicular traffic on the south side of the new road, with agricultural vehicle access only between the new road and the south part of Chapel Lane. Chapel Lane is also part of the ‘Trans Pennine Trail’, which is an important recreation facility, and its route will be safeguarded across the new road. The traffic signals that will be provided at the crossing will include phases for traffic pulling out of Chapel Lane, and for a Toucan crossing to provide safe crossing for Non Motorised Users. Both will be ‘on demand’, triggered by a detector in the road for traffic, or the activation of the Toucan crossing. Land required for these improvements is included in the CPO.

4.4.10 From Chapel Lane the road will continue on a large left hand curve to its junction with Switch Island. The road will be at existing ground level over this section, but rises on embankment to join existing road levels at the junction. The eastbound entry to Switch Island deviates from the mainline to tie in with the north part of Switch Island. This approach entry will be widened to seven lanes to provide sufficient traffic storage capacity at the signalised junction and to allow all traffic movements.

Switch Island Junction

4.4.11 Switch Island is a Trunk Road junction located on land owned by the Highways Agency. From Switch Island vehicles can enter the new link road via one of two arms. The first, for traffic coming from the direction of the M57,
also caters for traffic entering from the M58 and from the A59 southbound direction. This arm will travel straight across the existing Vehicle and Operator Services Agency (VOSA) site, allowing free flow onto the new road. The other arm will cater for traffic traveling northwards along the A59, and A5036 Dunnings Bridge Road. This arm will travel along the currently abandoned southwest section of the former Switch Island roundabout, and will join the other entry arm at a ‘Give Way’ priority junction. Entry onto the Switch Island junction from the new link road will be via a carriageway which splits into three lanes to travel north, and a further four lanes to travel to the south and east.

4.4.12 Other works will be required at Switch Island to accommodate the new traffic movements, as shown in Figure 4 below. Kerb lines will be realigned to accommodate additional lanes of traffic; a new area of pavement will be built in the northern segment of Switch Island, to allow traffic from the new road to travel to the M57 eastbound, or to Dunnings Bridge Road southbound, and; new road markings will be required on some parts of Switch Island. These works have been agreed with the Highways Agency and will be carried out by agreement pursuant to Section 6 Highways Act (see Appendix 7).

![Figure 4 – Works Required at Switch Island](image-url)
4.5 VOSA Compound

4.5.1 At Switch Island there is an existing Vehicle and Operator Services Agency (VOSA) compound located off the western part of the junction. There is a need to amend the layout to accommodate the new road (See Figure 4). VOSA oversees licensing, testing and enforcement of roadworthiness standards for road vehicles and the site at Switch Island includes a weighbridge and prohibition and inspection bays for articulated and abnormal load vehicles. The VOSA site at Switch Island currently occupies the western side of the former roundabout island. It is controlled by the Secretary of State for Transport, and although not used as highway, is still classified as highway land as a trunk road. Two agreements with DfT have been made to undertake works on their land, and to facilitate a new VOSA compound (see Appendix 7).

4.5.2 The proposed new link will pass through the existing site. The land is currently classed as trunk road and the new roads will be constructed in accordance with the agreements. On completion of the works, the dis-used part of Switch Island will be de-trunked and will revert to being Classified Road, which will be controlled and maintained by Sefton MBC as a highway authority.

4.5.3 To facilitate the new road, a new VOSA compound layout is proposed, and thus forms part of the scheme. The existing access to the VOSA compound from Dunnings Bridge Road will be stopped up and a new access will be provided from the northbound carriageway of the A5036 Dunnings Bridge Road, with an egress onto the new link road. The existing facilities in the VOSA compound (gatehouse, weighbridge and storage & welfare facilities unit) will be retained and relocated in the new layout, which will be located on the current site and will extend onto land owned by the Council which is included in the CPO.

4.6 Drainage

Highway Drainage

4.6.1 Drainage from the highway surface will be collected by a kerb and gully system, with carrier pipes along the new road out falling to existing natural watercourses. These outfall locations have been agreed with the Environment Agency (EA), who have also stipulated that discharge flow rates from the highway drainage into these watercourses should be restricted to equivalent 'Greenfield Run-off' rates. This requires that attenuation ponds are provided prior to these outfalls to attenuate the run-off flows, and the associated areas are to be acquired as part of the works associated with the road scheme. Additionally the EA require that pollution control facilities be provided prior to all outfalls.

4.6.2 There will be four drainage networks which will run along the route within the highway boundary, carrying water from four catchment areas, with
outfalls into Hunt’s Brook, an existing ditch alongside Back Lane that flows into Harrison’s Brook, Netherton Brook and, Moor Hey Brook. The attenuation pond prior to the outfall at Moor Hey Brook is located close to the River Alt flood plain, but is positioned so as not to infringe upon it.

4.6.3 In addition to the surface water drainage for the new road, drains will also be required to intercept ground water, to collect surface water running off adjacent land onto the highway, and to prevent surface run-off from the highway verges draining onto adjacent land.

**Land Drainage**

4.6.4 There is extensive existing land drainage installed previously for agricultural purposes. Where these drains are encountered or disrupted, and where agreed with the land owner, ‘cut off’ drains will be installed alongside the new highway to intercept these drains and connect into the scheme drainage or existing water courses.

4.6.5 Similarly some of these existing land drainage systems have outfall pipes crossing the line of the new road and these will be protected or diverted to protect and maintain the existing regimes.

**4.7 Lighting and Signing**

4.7.1 In order to balance the need for road safety and the desire to minimise any impacts on the local area and its landscape character, it is proposed to light only the junctions and their approaches to the new road. It is proposed that street lighting be provided at the junctions with Park View and Brickwall Lane, and at the pedestrian crossings at Chapel Lane and Holgate. Once the approaches to the junctions and crossings have been lit, two sections of the new road will remain unlit one of around 1km in length between the crossing at Holgate and Brickwall Lane junction, and the other of around 650m in length between Brickwall Lane junction and Chapel Lane.

4.7.2 The street lighting will consist of flat glass lanterns mounted on 12m high columns located along one side of the link road, except where the road is widened at junctions where columns will be placed on both sides of the road. The lanterns will consist of a high pressure sodium source that cuts off upward light and reduces light-spill. In addition, at off peak times the lighting equipment will incorporate features to dim the lights.

4.7.3 Traffic signs and their locations will be designed in accordance with the Traffic Signs Manual and Local Transport Note 1/94 ‘Design and Use of Directional Information Signs’. At the eastern end of the scheme, significant new signage will be provided to guide traffic approaching the new Switch Island junction.
4.8 Additional Traffic Management Measures (not part of these Orders)

4.8.1 One of the key requirements for the scheme is to facilitate the transfer of strategic (through) traffic from the existing highway network, thereby creating a better local environment for the local communities. To achieve this, it is important that the existing highway network does not provide an alternative through-route, but primarily serves local traffic and provides better conditions for walking, cycling and public transport. Once the main scheme is complete, a series of complimentary traffic management measures will be provided by Sefton MBC on the existing highway network, specifically along Lydiate Lane and Northern Perimeter Road.

4.8.2 A package of measures has been developed to manage traffic volumes and speeds on the existing roads. The measures proposed on the existing highway are as follows:

- Reductions in speed limits— from 40 mph on parts of the Northern Perimeter Road and Lydiate Lane to 30 mph along the full length;
- Re-phasing of traffic signals – to reflect changes in traffic and revised priorities at signalised junctions;
- Traffic islands & pedestrian refuges – to provide safer crossing places for pedestrians and slow down traffic;
- Mini roundabouts – introducing new roundabout junctions at four locations to replace existing give way junctions. This will reduce traffic speeds and improve access to the highway network from adjacent residential estates; and
- Signalised pedestrian crossings – to provide safe crossing points for pedestrians at two key locations.

4.8.3 These traffic management measures do not require orders and will be implemented by Sefton MBC following the opening of the link road to traffic, in accordance with the associated Planning Condition 3, which is described at Appendix 4.

4.9 Statutory Services and Diversions

4.9.1 As part of the scheme it will be necessary to effect/divert numerous services in this area (listed below). In agreement with the Statutory Undertakers under the conditions of the New Roads and Street Works Act 1991, the works will be funded and accommodated by SMBC as part of the construction of this scheme:

4.9.2 Southport Road/ Long Lane Intersection

- There are currently BT services running down both sides of the existing carriageway both underground and overhead;
- Power supplies (both High Voltage and Low Voltage) are also located in this area with a pole mounted transformer and feeder pillar for street
lighting currently sited in the path of the new road which will require relocation;

- Water supplies run along Southport Road and Long Lane and both these supplies are expected to require localised diversions away from the line of the carriageway;
- Other services are located in the vicinity but there should be no requirement to divert these with the current design; and
- New supplies will be required for the street lighting and advanced warning sign that is to be relocated.

4.9.3 Brickwall Lane

- Power supplies for the street lighting run down Brickwall Lane and some isolations and relocation will be required to form the new junctions;
- Water services are also present and these will require diverting locally at the new junction to increase the depth below carriageway; and
- New power supplies will need to be provided for the street lighting and signals on the new carriageway.

4.9.4 Adjacent to Netherton Brook

- In this location the overhead power line currently drops underground. This cable will need to be diverted and placed into a duct below the new road.

4.9.5 Chapel Lane

- The overhead cables crossing Chapel Lane will require relocation;
- The existing sewers are deep enough to enable the road to pass over the top without requiring diversion;
- The water supply will require diversion to ensure adequate depth is maintained;
- The BT cables will require diversion in this location; and
- New power supplies will also be required for the street lighting and signals.

4.9.6 Switch Island

- BT, high voltage and low voltage power cables, street lighting, gas and Close Circuit Television communication services are located in the existing Switch Island verges;
- Extensive diversion works are required within existing highway land to enable the new junction to be constructed;
- The gas main will be diverted at this location prior to commencement of the road works;
- New power supplies will be required for the street lighting and traffic signals; and
- Existing services that are currently serving the VOSA facility will also require relocation to the new facility.
4.10 Environmental Mitigation Measures

4.10.1 An Environmental Statement (ES) describing the environmental effects of the scheme has been prepared and was published in July 2010. The following provides a summary of measures proposed to mitigate the environmental impacts created by the scheme proposals and affecting the land acquisition and the Side Road Orders.

Drainage and Pollution Control and Flood Risk

4.10.2 The scheme footprint is located outside the River Alt flood plain, except for a localised area close to the Switch Island junction. It is proposed that the highway drainage will outfall into natural watercourses, which are tributaries of the River Alt. There are four attenuation ponds proposed to be built along the route alignment.

4.10.3 The attenuation ponds function by storing the run-off from the carriageway and limiting the rate of discharge into an adjacent watercourse. The attenuation ponds will function as Sustainable Drainage Systems.

4.10.4 The proposed attenuation ponds will provide for the creation of new wetland habitats and ponds that would complement other biodiversity mitigation measures.

4.10.5 Throughout the construction process it will be necessary to protect the watercourses from site runoff, which could result in pollution or sedimentation. The attenuation ponds may be used during the construction phase to protect the natural watercourses from any such run-off.

4.10.6 A review of the Environment Agency online Flood Zone maps indicated that a relatively small area of the eastern-most part of the scheme, where it adjoins Switch Island, falls within the Flood Zone 3a. In accordance with the provisions of PPG 25 – Development and Flood Risk, this area may therefore be at flood risk (from the Moor Hey Brook and the River Alt) and thus a site-specific Flood Risk Assessment (FRA) was required.

4.10.7 An FRA was therefore undertaken, which assessed the risks of all forms of flooding to and from development (taking climate change into account). The FRA concluded that there would be no increased risk of flooding because the area of floodplain affected by the scheme is very small in the context of the existing extensive area of floodplain. This conclusion was supported by Environment Agency, who confirmed that the very limited intrusion is unlikely to have any noticeable impact and did not require any compensatory flood storage.

Landscape Planting Scheme

4.10.8 The landscape planting aims to protect residential amenity and enhance and restore the long-term roadside landscape and its potential for diversity. An approach which aims to integrate the road into the rural
landscape has therefore been adopted. The objectives for the landscape works for the proposed scheme are to:

- Develop a landscape, the character of which relates to the patterns, scale and diversity of the existing character of the locality;
- Develop a landscape structure which physically and visually integrates the proposed road, its embankments and associated features (such as the attenuation ponds) into the local surroundings;
- Maximise the potential of the road corridor for enhancement of the general landscape and provision of increased habitat diversity and structure;
- Minimise visual intrusion and reduce the negative nature of any visual obstructions such as gantries, the lighting strategy and lighting columns;
- Protect, reinstate or enhance elements of the existing landscape, directly or indirectly affected by the proposal; and
- Assist in the creation of pleasant safe driving conditions.

4.10.9 The proposed planting will be established with standard planting techniques for extensive works, i.e. utilising bare-root ‘transplants’, ‘whips’ and ‘feathered trees’, which adapt most readily to disturbed ground conditions. A proportion of ‘half-standard’ and more advanced nursery stock trees will also be utilised especially in the vicinity of residential areas and junctions.

4.10.10 The scheme is within a red squirrel buffer zone, as red squirrels are known to be present in Ince Blundell at the western end of the scheme. Only small seeded species of trees are therefore proposed, as they do not attract grey squirrels and will therefore support the red squirrels.

4.10.11 Other landscaping measures include:

- Shrub species that will be selected from a list of native species, including blackthorn, elder, hawthorn, holly, willows and other plants found naturalised in the locality;
- Hedge planting that will include native species primarily comprising hawthorn, holly, etc. and will also include a percentage of randomly located trees such as alder, ash and Scots pine; and
- Grass seeded areas that will be seeded with a low maintenance meadow grass and species rich wildflower mixes appropriate to the soil types found on site.

Public Rights of Way

4.10.12 Although there are a number of Public Rights of Way (PRoW) within the scheme’s site area, there are no areas of open access under the Countryside and Rights of Way Act 2000. The PRoWs that will be impacted upon by the proposal and included within the SRO and the respective mitigation proposals are listed in Table 4.1, and shown on drawing no. B1286300/PA/007 found in Appendix 2.
<table>
<thead>
<tr>
<th>Route</th>
<th>Development Impact</th>
<th>Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holgate</td>
<td>Presently a minor vehicular highway connecting Thornton with open countryside to the north. It is severed by TSIL.</td>
<td>Holgate will be stopped up to vehicular traffic south of the new road, up to the access to Orchard House, and reclassified as a bridleway. A “Pegasus” traffic signal controlled crossing will be provided to allow safe access across the new road.</td>
</tr>
<tr>
<td>Rothwells Lane</td>
<td>An informal footpath linking Thornton with Back Lane. It is severed by TSIL.</td>
<td>A new bridleway is to be provided along the south boundary of the new road linking Rakes Lane with the new crossing point at Holgate. Rothwell’s Lane will be connected to this bridleway.</td>
</tr>
<tr>
<td>Public Footpath Thornton No. 2</td>
<td>This footpath connects Thornton with Back Lane. It is severed by TSIL</td>
<td>A new bridleway is to be provided along the south boundary of the new road linking Rakes Lane with the Pegasus crossing at Holgate. The footpath will be connected to this bridleway.</td>
</tr>
<tr>
<td>Rakes Lane (Thornton F/P No.13)</td>
<td>A byway connecting Lydiate Lane with Back Lane. It is severed by TSIL</td>
<td>A new bridleway is to be provided along the southern boundary of the new road linking Rakes Lane to the safe crossing facility at Holgate.</td>
</tr>
<tr>
<td>Brickwall Lane</td>
<td>A footway runs along the east side of Brickwall Lane connecting Sefton village with Netherton. It is severed by TSIL.</td>
<td>The traffic signalled controlled junction provided at Brickwall Lane will incorporate pedestrian phases to facilitate continued use of the route by pedestrians.</td>
</tr>
<tr>
<td>Public Footpath Sefton No. 5</td>
<td>This runs from Netherton Lane northwards to connect with Footpath no. 4 leading to Sefton village. It is severed by TSIL.</td>
<td>On the north side the footpath will be diverted westwards along the highway boundary to the safe crossing point at Brickwall Lane. On the south side the footpath will be diverted eastwards along the highway boundary to join with Footpath No. 4, leading to the signal controlled crossing point at Chapel Lane.</td>
</tr>
<tr>
<td>Public Footpath Sefton No. 4</td>
<td>This runs from Sefton village south, to join with Sefton Footpath no. 5, and then turns eastwards north of the route to Chapel Lane. It is severed by TSIL.</td>
<td>It is proposed to stop up the path from its junction with Footpath No. 5 and divert it along the north side of the new highway boundary to connect with Footpath no. 5 which will lead to the safe crossing point at Chapel Lane. On the south side the footpath will be diverted westwards to connect with Footpath No 5.</td>
</tr>
<tr>
<td>Chapel Lane (Trans Pennine Trail)</td>
<td>This runs from the A5207 Northern Perimeter Road northwards to Brook House Farm and beyond. It is severed by TSIL.</td>
<td>A traffic signal-controlled junction will be provided to give safe vehicular access to the north side and for agricultural vehicles to cross the new road. Chapel Lane will be stopped up to vehicular traffic for a short distance on the south side and re-classified as a bridleway, with a provision for agricultural vehicle access. The traffic signals will incorporate a Toucan Facility for users of the Trans Pennine Trail.</td>
</tr>
<tr>
<td>Dunnings Bridge Road</td>
<td>There are cycle and pedestrian facilities along the west verge of Dunnings Bridge Road. These will be severed 4 times by TSIL and VOSA accesses.</td>
<td>At each of the crossing points traffic signals are proposed and these will incorporate pedestrian phases.</td>
</tr>
</tbody>
</table>

4.10.13 The construction of the proposed new road will remove a significant amount of vehicular traffic from the existing highway network in the Thornton and Netherton areas. This will make the use of the footpath, cycleway and bridleway routes through the area more attractive for non motorised users (NMUs).

**Habitat Creation**

4.10.14 The Environmental Statement identifies where potential adverse impacts on animal species and their habitats have been identified and how measures designed to avoid, reduce or compensate these impacts have been developed. Species-specific mitigation and habitat creation measures are summarised in Table 4.2 over the page.
Table 4.2 – Habitat Creation Measures

<table>
<thead>
<tr>
<th>Species</th>
<th>Measure Taken</th>
<th>Nature of Ecological Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bats</td>
<td>Specimen Tree Planting</td>
<td>There will be proposed specimen tree planting at recommended locations (in line with the results and recommendations of the bat survey supporting this proposal) to create ‘hop-over’ bat mitigation.</td>
</tr>
<tr>
<td>Barn Owls</td>
<td>Road Verge Management and tree planting</td>
<td>Management of road verges through regular mowing, shrub planting and planting of specimen trees to deter foraging barn owls.</td>
</tr>
<tr>
<td>Aquatic Macro Invertebrates</td>
<td>Attenuation Ponds</td>
<td>Attenuation ponds form part of the flood risk management measures associated with this proposal. However, the ponds have been designed to feature large areas of shallow water to provide a suitable habitat for amphibians and to deter the introduction of fish.</td>
</tr>
<tr>
<td>Amphibians</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Voles</td>
<td>Pond Creation</td>
<td>There will be the creation of new ponds to enhance the habitat availability for aquatic wildlife including amphibians and water voles.</td>
</tr>
<tr>
<td>Aquatic Macro Invertebrates</td>
<td>Pond Management</td>
<td>Existing ponds located in the site area will be managed to improve habitat quality for amphibians and water voles.</td>
</tr>
<tr>
<td>Amphibians Water Voles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Voles Badgers</td>
<td>Mammal Ledges</td>
<td>Mammal ledges will be incorporated into culverts allowing safe passage for badgers and other mammals under the road.</td>
</tr>
</tbody>
</table>

4.11 Accommodation Works

4.11.1 The scheme will affect a number of agricultural holdings. Their severance has been minimised by the retention of some existing accesses and the creation of new accesses. A full description of the stopped up and new accesses, with reasons, are included in the Side Roads Order, and in Chapter 8 of this document. A summary of these are provided in Table 4.3 over the page.
**Table 4.3 – Accesses to be created as Accommodation Works**

<table>
<thead>
<tr>
<th>Accommodation Works</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>New access track 65m long to field OS 6046 from Southport Road (Service Road).</td>
<td>To replace the existing access off Long Lane, which is to be stopped up. Field OS 6046 will be severed.</td>
</tr>
<tr>
<td>New access to field OS 6046 from the new Park View spur.</td>
<td></td>
</tr>
<tr>
<td>New access to field OS 6046 from Holgate, north of Orchard House.</td>
<td>To provide access to a severed area of woodland.</td>
</tr>
<tr>
<td>A new access and improvement of an existing access to field OS 0308 from Lydiate Lane, and a new access to field OS 0368 from the improved Brickwall Lane.</td>
<td>To provide access to severed areas of fields.</td>
</tr>
<tr>
<td>Improvement of an existing access to fields OS 3149 and OS 5360 from Brickwall Lane.</td>
<td>To provide access to severed areas of fields.</td>
</tr>
<tr>
<td>New access track 340m long from Chapel Lane to fields OS 0060 and OS 7967, along the northern edge of the new link road, partly inside and partly outside the highway boundary.</td>
<td>To provide access to a severed area of field.</td>
</tr>
<tr>
<td>New access from the new road to Chapel Lane south of the new road.</td>
<td>To provide access to severed areas of fields.</td>
</tr>
<tr>
<td>New access to field OS 0060 from Chapel Lane, south of the new link road.</td>
<td>To provide access to a severed area of field.</td>
</tr>
<tr>
<td>New access to field OS 5133 from Chapel Lane, south of the new link road.</td>
<td>To provide access to a severed area of field.</td>
</tr>
<tr>
<td>New access along the route of the new bridleway to the south of Chapel Lane Junction.</td>
<td>To provide access to severed land south of the new road from Brook House Farm.</td>
</tr>
</tbody>
</table>

4.11.2 A new access track 250 metres long across field OS 5133, and along the northern boundary of the new attenuation pond close to Switch Island junction, and adjacent to the new link road, will be provided by agreement with the land owner as accommodation works to maintain an existing access track that will be severed by the new link road. It was considered that adequate access was available in this area without the need for this access track, and hence is not included within the Orders. However following consultation with land interests, although not strictly deemed necessary, a track will be provided.
4.11.3 Likewise the agricultural access to the south of Chapel Lane Junction has been provided following a minor amendment to the planning application. It was considered that adequate access was available at this point, but following consultation with interested parties, an access will be provided from Brook House Farm across the junction to provide access to land to the south of the road via the new bridleway.

4.12 Temporary Land Use

4.12.1 The construction period will be approximately 12 months and during this time the area of works, including temporary land, will be fenced off and not accessible or usable. Consideration has been given to land severance and the subsequent mitigation.

4.12.2 Temporary land will be required for site compounds and topsoil storage areas to be used during construction, and this is included in the CPO. The main compound will be located east of Brickwall Lane and satellite compounds will be located at Switch Island and Southport Road (A565). A topsoil storage area will be located in land to the north of Northern Perimeter Road and south of Brook House Farm, and a further one to the east of Rakes Lane.

4.12.3 Following road opening, all of the compounds and storage areas will be removed and the areas cleared and returned to their former state, or treated in accordance with the Environmental Masterplan.

4.13 Construction

4.13.1 After mobilisation, the main construction activities including earthmoving, road pavement works and drainage will be undertaken in the first phase. During this phase any permanent or temporary screening or environmental mitigation measures that have been identified will be installed as soon as possible, to give immediate relief and/or benefit. Construction impacts will be minimised through measures to be incorporated in the Construction Environmental Management Plan.

4.13.2 The main earthworks will include the excavation of four attenuation ponds, and as a result, there will be a volume of excavated topsoil and subsoil produced. This material will be re-used as part of the scheme where possible, and in particular in landscape planting areas.

4.13.3 In terms of the construction activities, it is proposed that works will take place during normal daylight working hours, except at Switch Island, where work will need to be completed at night because of the high volumes of traffic that use the junction during the day. There may occasionally be a need for some night-working for short periods elsewhere to minimise congestion during the completion of tie-ins to existing roads. Any such works will have the prior agreement, as appropriate, of SMBC.
Vehicle Movements

4.13.4 The scheme will be constructed using specific access points from Southport Road, Brickwall Lane and Switch Island. As the majority of the new route is ‘off line’, the implications on general traffic movements during the construction period are not anticipated to be adverse. The only interaction with the existing highway network will be at the entrances to the construction compounds, and at tie-in or intersection locations. The works and construction sequence will be designed to minimise the congestion effects of such works at these locations.

Construction Noise

4.13.5 There are no structures or piling required for this scheme and earthmoving activities will be relatively small scale, mostly employing tractors and dumpers. A noise assessment concluded that there will be minor increases in current noise levels as a result of the construction works, creating minor impacts.

Construction Environmental Management Planning

4.13.6 The Construction Environmental Management Plan (CEMP) will identify the steps and procedures required to minimise environmental impacts resulting from site preparation, groundwork and construction phases.

4.13.7 The effects of disruption during construction on residential property will be minimised or avoided through measures in the CEMP. These will potentially include restrictions on the routes to be taken by construction traffic and measures to minimise dust and noise activity from the works.

4.13.8 The Agricultural Land Study found that all farms subject to land take will suffer short term minor adverse impacts when creating the new highway boundary at the commencement of works, and during short term diversions/closures of local roads and/or routes to their land at various times during the construction period.

4.13.9 No residential properties, farmsteads or commercial properties will need to be acquired for the construction of the scheme and there are no impacts anticipated on development land. However, a number of public rights of way will be affected by the proposed scheme. These rights of way will be kept open wherever possible, and where temporary closures are required, then diversions will be approved, identified and signed.

Site Waste Management Plan (SWMP)

4.13.10 The Environment Agency has confirmed that the scheme requires a SWMP under the SWMP Regulations 2008. This will be produced as part of the CEMP and submitted to the EA for approval.
4.14 Maintenance

4.14.1 The new road will be a publicly maintainable highway, and Sefton MBC will be responsible for all maintenance aspects of the scheme.

4.15 Assessment of Scheme

4.15.1 Following the development of the scheme, an Environment Assessment was undertaken as part of the preparation for the Planning Application submission in July 2010. The Environment Agency and other Statutory Consultees were consulted during the preparation of the scheme and did not object to the planning application. They were happy for a range of environmental aspects to be safeguarded and secured by Planning Conditions, and will be consulted in the condition discharge process. The environmental assessment, identifying the overall impact of the scheme on the environment, is summarised below:

Air Quality

4.15.2 The transfer of traffic from existing roads to the new link road is expected to improve air quality in the communities of Netherton and Thornton, especially along Green Lane, Lydiate Lane and Northern Perimeter Road. Properties close to the line of the new road will experience an increase in traffic emissions, but air quality will remain well within national air quality standards. The overall impact on Air Quality is classed as slight beneficial.

Noise and Vibration

4.15.3 The transfer of traffic from existing roads to the new link road is expected to reduce noise in the communities of Netherton and Thornton, especially along Green Lane, Lydiate Lane and Northern Perimeter Road. Approximately 300 properties will experience a reduction in noise. About 60 properties, mostly close to the line of the new road, will experience an increase in noise. The overall impact on Noise is classed as slight beneficial.

4.15.4 Some vibration during construction is expected. As there are no properties within 40m of the new link, vibration from traffic using the road is not expected to have an impact.

Cultural and Built Heritage

4.15.5 The scheme will pass close to eight sites of archaeological importance. They will be safeguarded by the compliance with conditions of the Planning Permission and there will be no major impacts.

4.15.6 The scheme also passes close to seven historical buildings or structures, including a Scheduled Monument (Broom’s Cross), the brick wall on Brickwall Lane and a signpost on Long Lane. The signpost will be relocated to the re-aligned Long Lane, whilst material from the section of brick
wall to be removed will be re-used to extend the wall along the boundary of the new road.

4.15.7 The overall impact on Cultural and Built Heritage is classed as slight adverse.

Landscape and Visual Impact Assessment

4.15.8 The new link road will be built across mostly open arable farmland, so it will affect the existing agricultural landscape. Views of and across the landscape will also be affected. The road will become part of the view from around 300 properties. The impact will be greatest for a small number of properties closest to the scheme.

4.15.9 Landscape planting and the placement of the new road in cutting where possible is proposed to minimise its visual impact, and the overall impact on Landscape and Visual Impact is classed as slight adverse.

Ecology and Nature Conservation

4.15.10 Screening for an Appropriate Assessment (AA), concerning European Designated sites, was undertaken and Natural England agreed that an AA was not required and raised no objections to the Planning Application.

4.15.11 The proposed road link crosses mostly agricultural fields of modest habitat quality. However species of nature conservation importance have been found in the area. These are bats, great crested newts, water voles, red squirrels, barn owls, pink-footed geese, lapwings and black-headed gulls from the nearby Ribble and Alt Estuaries Special Protection Area.

4.15.12 Most species will remain largely unaffected, but there are some local negative impacts. The loss of fields used for feeding by pink-footed geese, lapwings and black-headed gulls is not expected to affect their local populations. There is a risk that barn owl numbers may be reduced due to road mortality.

4.15.13 All the Ecological and Nature Conservation issues were addressed within the Environmental Impact Assessment, which was agreed as part of the planning permission. This included mitigation measures to minimise the impacts of the road on the ecology in the area, and the overall impact on Ecology and Nature Conservation is classed as neutral to slight adverse.

Road Drainage and Water Environment

4.15.14 The new road will cross or pass close to a number of watercourses and drainage ditches, all of which drain into the River Alt. Runoff from the road will be captured in a drainage system, which will incorporate pollution control measures. Four new drainage ponds will be created to receive the runoff from the road and control the rate at which it enters the existing watercourses. There are no impacts expected on these watercourses, and
the overall impact on Road Drainage and Water Environment is classed as neutral.

Soils, Geology and Hydrogeology

4.15.15 Impacts on soils, geology and hydrogeology will be very limited. Soil along the line of the link road will be stripped and stored and re-used in the landscaped areas or to improve the condition of surrounding fields. The system for collecting and treating runoff from the road will also prevent any pollution of adjacent soil or groundwater by the scheme. The overall impact is classed as slight adverse.

Land Use

4.15.16 The proposals will require agricultural land and the loss of some areas of community woodland, but the overall impact on Land Use is classed as slight adverse.

Pedestrian, Equestrian, Cyclist and Community Effects

4.15.17 A number of existing routes used by walkers, cyclists and horse riders will be crossed by the new road. The new crossings and diversions proposed as part of the scheme, including new sections of bridleway, will reduce the impact on these users. Although 1km of footpaths will be stopped up, more than 2km of new paths will be provided.

4.15.18 The reduction in traffic using the local roads including Green Lane, Lydiate Lane and Northern Perimeter Road as a result of the proposed road will also improve the conditions for walking and cycling in these residential areas.

4.15.19 The overall impact on Pedestrians, Equestrians, Cyclists and Community Effects is classed as beneficial.

Transportation and Vehicle Travellers

4.15.20 Traffic is expected to transfer onto the new link road from the existing highway network, especially from Green Lane, Lydiate Lane and Northern Perimeter Road. Traffic flows will reduce on the section of Dunnings Bridge Road, north of Copy Lane and on Lunt Road and Sefton Lane. Traffic being attracted to the new road will result in some local increases in traffic on the approaches to the link, for example on the A565 Moor Lane, but overall the scheme is expected to reduce congestion and improve journey times and reliability.

4.15.21 The decrease in traffic on the local roads will also have a positive effect on public transport by improving journey times and reliability. In addition, as part of the new road, two new bus stops will be created to replace the two bus stops to be removed on Southport Road (A565).
4.15.22 The reduction in congestion will also have a positive effect on drivers using both the new road and the local roads. Improving the reliability of journey times will help to reduce driver stress and frustration.

4.15.23 The overall impact on Transportation and Vehicle Travellers is classed as beneficial.

Health, Social and Community Issues

4.15.24 The improvement in air quality, reduction in traffic accidents and improved provisions for walking and cycling will have a positive effect on the health of the local communities of Netherton and Thornton. The current level of access to community facilities and existing linkages between the local communities will be maintained.

4.15.25 The overall impact on Health, Social and Community Issues is classed as beneficial.

4.16 Meeting Scheme Objectives

4.16.1 This chapter has described the scheme and the wide variety of assessments and considerations that have been undertaken, and the resultant proposals.

4.16.2 Overall, the proposed scheme will provide a direct, faster route between the A565 and the national highway network at Switch Island.

4.16.3 It will reduce congestion on the local highway network and so deliver regional strategic objectives as well as environmental improvements for local people. It will do this primarily by ‘transferring’ strategic ‘through’ traffic from the existing highway network to the link.

4.16.4 The manner in which the proposals meet the scheme objectives, as set out in Section 3.3, and the benefits that the scheme will bring are set out in Table 4.4.

Table 4.4 Scheme objectives and benefits

<table>
<thead>
<tr>
<th>Scheme Objectives</th>
<th>Meeting the Objectives and Scheme Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>To relieve congestion on the local highway network in the Thornton to Switch Island corridor, with resulting improvements in local environmental quality for the local communities of Netherton, Thornton and</td>
<td>The removal of through traffic from the existing highway network and reduction of traffic speeds will create better conditions for local vehicular traffic, public transport, walking and cycling on the existing routes. Reductions in congestion at Copy Lane, Brickwall Lane and Edge Lane junctions will improve journey time reliability for vehicular traffic. Green Lane, Lydiate Lane and Northern Perimeter Road are predicted to experience an approximate 70% reduction in traffic.</td>
</tr>
</tbody>
</table>
| the Sefton villages | The proposed scheme provides an overall improvement in air quality and noise for local communities in Netherton and Thornton because of the transfer of traffic on to the new highway link, which is located further away from the major residential areas than the existing route.

Shorter journey times and the reduction in congestion on existing routes will also result in a reduction in greenhouse gas emissions. |
|---|---|
| To provide improvements to local access, safety, public transport, walking and cycling along the existing highway network in the Thornton to Switch Island corridor | Transfer of traffic from the existing local highway network will enable access improvements for the local community.

The provision of a new highway link will enable the transfer of traffic from adjacent roads and is predicted to result in a reduction in casualties. It is estimated that the scheme will result in 2020 fewer personal injury accidents and 210 fewer fatal or seriously injured casualties in the Thornton to Netherton corridor area over a sixty year period from road opening.

The removal of through traffic from the existing highway network and traffic management measures aimed at creating a reduction of traffic speeds will create better conditions for public transport, walking and cycling on the existing routes. Reductions in congestion at Copy Lane, Brickwall Lane, Edge Lane and Green Lane junctions will improve journey time reliability for buses.

The current levels of traffic along the existing route and the limited provisions for pedestrians and cyclists (in terms of footway, cycleway and safe crossing points) do not favour walking or cycling. The transfer of traffic to the new link road and the introduction of a series of associated traffic management measures will improve conditions for walking and cycling along the existing route. Cyclists will be encouraged to use the existing route as part of a wider route network in south Sefton and the reduction in traffic means that the existing route will be more suitable and safer for cycling.

Whilst some existing Public Rights of Way, Cycle Routes, Public Footpaths, and Bridleways are severed by the route, these will be replaced by alternative routes which will provide better pedestrian and equestrian routes than currently exist. Safe crossing places across the new route will be provided by signal controlled facilities. |
<table>
<thead>
<tr>
<th><strong>To improve highway access between the northwest’s motorway system and Southport to contribute to the development of Southport</strong></th>
<th>The data and traffic survey information collected as part of the traffic model development shows that a significant proportion of the traffic that use the existing route is through traffic involved in part of a longer journey. The improved access from the national motorway network at the M57/M58 Switch Island to the A565, and reduced congestion on the route corridor will provide faster and more reliable journey times for those traveling to and from Southport, thus contributing to the economic development and performance of the town.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>To improve access to the Atlantic Gateway Strategic Investment Area development sites in the Netherton area of Merseyside</strong></td>
<td>Reduced congestion at the A5036 Dunnings Bridge Road /A5307 Copy Lane junction, and improved access from the A565 Southport Road will reduce the risk of delays and improve access to and from the regeneration areas alongside Dunnings Bridge Road.</td>
</tr>
<tr>
<td><strong>To contribute to the Port of Liverpool – Strategic Access Plan by providing more reliable journey times on part of the A5036 and reduced delays to other strategic traffic.</strong></td>
<td>Reduced congestion at the A5036 Dunnings Bridge Road /A5307 Copy Lane junction, and reduced traffic on Dunnings Bridge Road will reduce the risk of delays, and improve journey time reliability for traffic to and from the Port of Liverpool.</td>
</tr>
</tbody>
</table>

4.16.5 In summary, the design has been developed to meet the objectives of the scheme, whilst minimising the impact on the local environment. It will do this by providing the following:

- The provision of a faster, more direct route between the A565 in Thornton and the motorway network;
- The significant transfer of traffic from the existing highway network to the new route resulting in improved junction performance and reduced congestion on the existing route corridor;
- Improved access to Southport by reducing journey times from the motorway network;
- Improved performance of the A5207 Copy Lane /A5036 Dunnings Bridge Road junction, leading to improved access to strategic regeneration areas, to the Port of Liverpool, and to facilitate future access to the Atlantic Gateway;
- Substantial reductions in noise and improvements in air quality along the existing routes due to the transfer of traffic to the new link;
- Reduction in accidents in future years; and
- Improvements in bus journey time reliability, conditions for pedestrian and cyclists and ease of access for residents along the existing route corridor.
4.16.6 In addition there will be extensive environmental improvements, including extensive landscape measures, the creation of habitat mitigation measures and significant works to safeguard/enhance footpaths, bridleways and cycleways in the area.
5. CONSULTATION AND PUBLIC ENGAGEMENT

5.1 Introduction

5.1.1 In accordance with the provisions of Article 1 of the First Protocol to the European Convention on Human Rights (ECHR), a compulsory purchase order should only be made where there is a compelling case in the public interest, and land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss. The following describes the response to Article 1 and includes details of the public consultation that support this assertion. Discussions and negotiations with all those who have interests in land that is directly affected by the road scheme have also been taking place during the preparation of the scheme. Details of how these discussions and negotiations have taken place (and how their Human rights have been respected) are included within Chapter 9 – Compulsory Purchase Order, of this Statement.

5.2 Article 1 of the First Protocol to the ECHR

5.2.1 This Article protects the rights to one’s possessions, as it states:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.”

5.2.2 The Road Scheme has been designed to minimise interference with the peaceful enjoyment of any person’s possessions, and no one will be deprived of their possessions except in the public interest. Any interference with the right has to be provided for by law and must strike a fair balance between the interests of the community and the interference with the human rights of those with an interest in the land. The Acquiring Authority (Sefton MBC) believe that the greater good is in promoting the road scheme for the benefit of the people of the area and that this outweighs the concerns of those whose interest in land it is proposed to acquire compulsorily.

5.2.3 In processing the Orders, the Acquiring Authority (Sefton MBC) has complied with all relevant legislation and regulations that provide an opportunity for those affected to object to the Orders and have their representations considered at a Public Inquiry. The land to be acquired for the Road Scheme, which is the subject of the Compulsory Purchase Order, has been kept to a minimum. The public interest can only be safeguarded by the acquisition of this land, and the Acquiring Authority believes that there is clear evidence that the public benefit will outweigh the private loss. Sections 3 and 4 of this document demonstrate the need for the scheme, and its proposals and impacts, and the Road Scheme has the benefit of a planning approval (see Appendices 3 and 4), which involved the weighing-up of all material planning considerations.
5.2.4 The next sections highlight the extensive Public Consultation process for the communities affected by the scheme, how this process has influenced the design and content of the scheme and how the scheme has gained widespread public support.

5.3 Consultation Background

5.3.1 The need for an improved route between Switch Island and Southport Road (A565T) was identified in 1968 during the planning process for the M57, M58 and M62 motorways. Following their construction, a number of proposals to provide a direct link between Switch Island and Scaffold Lane, Ince Blundell, bypassing Netherton and Thornton were developed. The preferred scheme (known as the ‘Blue Route’) however, was ultimately turned down by the Secretary of State who called-in the application, following a Public Inquiry, in May 1995.

5.3.2 SMBC then resolved not to pursue this scheme and commissioned the Merseyside Northern Corridor Study – an area-wide integrated transport study to assess transport needs and evaluate improvement options in the corridor. This study was concluded in September 1996 and recommended a number of options for improvements along the Thornton to Switch Island Corridor. These options included:

- A direct link between Switch Island and the Northern Perimeter Road;
- The upgrading of the Brickwall Lane/Lydiate Lane junction; and
- A localised bypass for Thornton.

5.3.3 In March 1997, the council resolved to develop these options, with the exception of the Thornton Bypass, and they were subsequently included in the Merseyside Provisional Local Transport Plan (LTP). Public consultation followed in 1999, on the following:

- the creation of a short section of new carriageway between Switch Island and the Northern Perimeter Road; and
- improvements to the junction of Northern Perimeter Road and Brickwall Lane.

5.3.4 There was a strong reaction against these proposals during the public consultation, as it was felt that they were inadequate to address the transport needs of the area. However, there was strong support for more extensive measures to alleviate traffic congestion in the area between Switch Island and Thornton. As a result, further consultation was carried out, and the current proposed TSIL began to emerge from these consultations.

5.4 Public Consultation during Development of the Proposed TSIL Scheme

5.4.1 The current proposed TSIL started to emerge from the consultations on the provisional LTP in 1999. Those consultations highlighted a range of different opinions about the Thornton to Switch Island corridor. In order to resolve these issues, SMBC carried out a comprehensive consultation in May
2000 to gain the views of all the residents and businesses along the corridor. The consultation was designed to focus on all the transport problems and potential solutions.

**Consultations 2000**

5.4.2 As a result of the feedback from the consultation, six specific highway options (from Option 1 Do minimum to Option 6 – Build a new dual carriageway highway link between Switch Island and the Formby Bypass) were identified for further consideration by an extensive appraisal process. All options, including some further variations, were assessed using the Government’s New Approach to Appraisal (NATA).

5.4.3 Out of the six options, a single carriageway link (Option 5) emerged as the preferred option, although there was no clear distinction between three alignment options. Option 5 consistently exhibited advantages when assessed against the other options in the appraisal process. As a result, on 27 August 2003, SMBC’s Cabinet Member-Technical Services decided that a single carriageway link would be the preferred option for the Thornton to Switch Island Corridor and that Option 5A should be presented as the preferred alignment for the purpose of further detailed public consultation.

**Consultations 2003**

5.4.4 An extensive public consultation exercise was then conducted in autumn 2003. This identified strong local support for the principle of a new single carriageway highway link as the preferred solution to alleviate the traffic related problems along the Thornton to Switch Island corridor. However, the consultation also identified strong public opposition in the Netherton area to the proposed Option 5A alignment. It was evident that the strength of public opposition to the 5A alignment would make it very difficult to continue pursuing that option. As a result, in January 2004 the Council confirmed a new single carriageway link between Thornton and Switch Island as its preferred scheme option but deferred the decision about the specific alignment of the new highway link pending further assessments and public consultation on the alternative route options (i.e. Options 5B and 5C).

**Consultations 2006**

5.4.5 Based on the technical appraisal of the route alignment options for a single carriageway highway link between Switch Island and A565 Southport Road, and the results of public consultation in 2003, the Option 5B alignment was proposed for the purpose of public consultation. An extensive public consultation process was then conducted in autumn 2006.

5.4.6 Between September and December 2006 an extensive public consultation process was completed. A leaflet and questionnaire were delivered to residents and businesses in Netherton, Thornton, Ince Blundell, Sefton and parts of Crosby and Maghull. A series of public exhibitions was also held. A significant majority (89.7%) of respondents to the questionnaire supported the Council’s proposed alignment for the link road. A significant
majority (75.2%) of respondents also agreed with the need to restrict levels of traffic and traffic speeds on Lydiate Lane and Northern Perimeter Road.

5.4.7 Despite this widespread support, local residents raised specific concerns about the alignment of the road in the vicinity of Chapel Lane in Netherton and Rothwells Lane and Holgate in Thornton and the impacts on their properties in terms of air quality, noise and visual impact. As a result the route options at both these locations were further reviewed using the NATA appraisal criteria established by central government for the assessment of transport schemes.

5.4.8 Specifically, the NATA criteria for air quality, noise, landscape and Green Belt, heritage of historic resources, townscape, biodiversity (wildlife), severance and impact on land use policy were reviewed for Options 5B and 5C. The differences between the schemes were considered to be marginal. However, Option 5B was identified as slightly better than Option 5C in relation to landscape, Green Belt, biodiversity and land use policy. Option 5C was identified as slightly better than Option 5B in terms of air quality, noise, heritage of historic resources, townscape and severance. On balance, the benefits for local communities and on heritage resources from Route 5C were considered to outweigh the marginally greater impacts on landscape, Green Belt and wildlife.

Consultations 2007

5.4.9 Additional consultation meetings were subsequently undertaken by SMBC in February 2007 with the residents of Chapel Lane and Rothwells Lane/Holgate to register and incorporate their views on route alignment issues for Option 5C.

5.4.10 Overall, in proposing the route alignment for the new single carriageway highway link between Switch Island and Thornton, careful consideration by the council was made of the key concerns raised in the October to December 2006 and February 2007 public consultation process. The Option 5C route alignment incorporating revisions at the Chapel Lane area and at Holgate was adopted by the Council at their Cabinet meeting on 22nd March 2007, as the preferred alignment for the scheme. This revised Option 5C therefore went forward in the preparation of a Major Scheme Business case to DfT. Programme entry was approved in September 2008.

Consultation 2010

5.4.11 In December 2009, SMBC Cabinet approved the current proposed scheme layout, which confirmed the details of the revised Option 5C alignment and the preliminary design of the road, including an outline environmental masterplan. At the same meeting, the Cabinet also approved proposals for a public consultation to be held in advance of the planning application.

5.4.12 Public Consultation events subsequently took place on 2nd and 3rd February 2010 to enable the members of the public to the view the final designs of the link and to give them the opportunity to raise any questions and
concerns that they may have, concerning the detail of the scheme before it was submitted as a planning application.

5.4.13 The primary outcome of the February 2010 consultation was that there remained a high level of public support for the Council’s proposals in respect of the Thornton to Switch Island Link, both in terms of the principle of the scheme and its detailed elements.

5.5 Consultations During the Planning Application Stage

5.5.1 The planning application for the road scheme was submitted in July 2010 and was subject to the Local Planning Authority’s comprehensive consultation process for statutory and non statutory consultees as well as a wide range of interested parties including neighbouring land owners. The Forestry Commission, under the remit of The Secretary of State for Environment Food and Rural Affairs, were consulted as a land interest as part of this process, and they had no objections. Sefton MBC have since acquired all the land from The Secretary of State for Environment Food and Rural Affairs that is required for the scheme.

5.5.2 The scheme was granted Planning Permission in January 2011 after the Government Office concluded that the Secretary of State’s intervention would not be justified (see Appendix 3).

5.5.3 During the planning process the following statutory consultees were consulted and had no objection to the application

<table>
<thead>
<tr>
<th>Key Consultee</th>
<th>Nature of Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural England</td>
<td>No objections in principle subject to the imposition of conditions (See Appendix 4)</td>
</tr>
<tr>
<td>Thornton Parish Council</td>
<td>Support for the scheme</td>
</tr>
<tr>
<td>British Waterways</td>
<td>No comments</td>
</tr>
<tr>
<td>Knowsley Council</td>
<td>No objections</td>
</tr>
<tr>
<td>Local Highway Authority</td>
<td>No objections</td>
</tr>
<tr>
<td>Highways Agency</td>
<td>No objection, but directs the imposition of conditions( see Appendix 4)</td>
</tr>
<tr>
<td>Merseyside Environmental Advisory Service (MEAS)</td>
<td>No objection, subject to the imposition of conditions (see Appendix 4)</td>
</tr>
<tr>
<td>Environmental &amp; Technical Services</td>
<td>No objections in principle subject to the imposition of conditions (see Appendix 4)</td>
</tr>
<tr>
<td>Merseytravel</td>
<td>Supports the scheme</td>
</tr>
<tr>
<td>Archaeological Officer</td>
<td>No objections in principle subject to the imposition of conditions (See Appendix 4)</td>
</tr>
<tr>
<td>Environment Agency</td>
<td>No objections in principle subject to the imposition of conditions (See Appendix 4)</td>
</tr>
</tbody>
</table>
6. THE PLANNING POSITION

6.1 Introduction

6.1.1 This chapter describes the planning history, policy and strategy aspects for the scheme, which was granted planning permission (Application No. S/2010/1050) after it was referred to the Secretary of State, who concluded that “The proposed development would be of no more than local importance and it does not raise issues of such wider significance requiring a determination by the Secretary of State” (Non-intervention letter from GONW - 24 January 2011 – See Appendix 3).

6.1.2 Overall the scheme was therefore found to have no conflict with strategic planning policy and thus was suitable for development in planning terms (subject to a number of planning conditions).

6.2 Planning History

6.2.2 The history and background for the scheme has been described in previous chapters of this statement. This section briefly summarises the planning application situation. The first detailed proposal for the link road was known as the ‘Blue Route’ and was submitted for Planning Permission in 1990. This proposal was for the construction of an all-purpose dual carriageway road (with the potential for widening to three lanes) 7.6 kilometres in length (as opposed to the 4.2 kilometres length of the current proposal) between Switch Island and North End on the dual carriageway Formby Bypass. However, in 1995, after a Public Inquiry (including a favourable Inspector’s Report) the ‘Blue Route’ was ultimately refused by the then Secretary of State for the Environment for the following reasons:

- The scale and negative impact of the proposal on the Green Belt, which was contrary to the provisions of the then PPG2 - Green Belts with insufficient justification such as ‘very special circumstances’;
- Insufficient justification of need, contrary to the provisions of the then PPG13 - Transport;
- Conflict with the Development Plan policies;
- Detrimental impact upon the setting of conservation areas; and
- Detrimental impacts upon protected species.

6.2.3 Following the refusal of the ‘Blue Route’, a range of alternative options were considered. These were initially developed through public consultation for inclusion in the Local Transport Plan and were then appraised using the Government’s option appraisal method in accordance with PPG13. The current proposal then referred to as the Thornton Switch Island Link (TSIL) was developed from the results of the option appraisal and was then refined after extensive public consultation (described in Chapter 5 of this Statement).

6.2.4 The TSIL planning application was submitted in July 2010 and then subsequently in December 2010 Sefton MBC recommended that the application be referred to the Government Office for the North West with a
recommendation of approval subject to 31 conditions (see Decision Notice in Appendix 4). This decision was then confirmed when Government Office Northwest decided in January 2011 that the Secretary of States intervention would not be justified (see Appendix 3).

6.3 Planning Policy Context

6.3.1 The current Development Plan for the Borough of Sefton is made up of the:
   • North West RSS (2008); and
   • the Sefton MBC Unitary Development Plan (2006).

6.3.2 The Unitary Development Plan (UDP) was adopted in June 2006 and its policies are current until such time as they are replaced by the Local Development Framework (LDF) policies and provisions, especially the Core Strategy DPD. The Core Strategy is the first Development Plan Document of the LDF, but is not due for adoption until 2012 and therefore its provisions are not currently regarded as significant material considerations.

6.3.3 Figure 5 shows the TSIL proposal as a scheme within Policy T1 – Transport Network Priorities in Sefton Council’s adopted UDP (based upon the Merseyside Transport Plan). Significantly, during the UDP Public Inquiry in 2004, no objection was raised against Policy T1, nor did the Inspector question its inclusion within the UDP in his subsequent Report.

6.3.4 Chapter 8 of the UDP – Transport Infrastructure policies, states that it is “in line with the strategy set out in the Merseyside Local Transport Plan.” It goes on to say that Policy T1 – Transport Network Priorities “stem from the Merseyside Local Transport Plan, and will contribute to it being implemented.”
Figure 5 – UDP Figure 8.1 – Strategic Transport Network
6.4 Policy Provision for the Thornton to Switch Island Link

6.4.1 The Local Planning Authority when it determined the planning application, considered that the following issues and aspects of the scheme were of particular importance:

- Green Belt considerations,
- impacts on residential amenity;
- highway safety and efficiency;
- ecological;
- archaeological and heritage impacts;
- loss of agricultural land;
- landscaping issues;
- lighting;
- air quality;
- flood risk; and
- the consultation exercise.

6.4.2 The section on ‘Justification’ of Planning Committee Report (15th December 2010) stated that:

“The proposal constitutes appropriate development in the Green Belt and maintains openness, there are no significant detrimental impacts on residential amenity and highway safety, and issues relating to ecology, archaeology, heritage assets, agricultural land, landscaping, lighting, air quality and flood risk have been satisfactorily addressed. In addition, there are very special circumstances including economic and regeneration benefits, social and environmental benefits, the scheme’s inclusion in the Merseyside Local Transport Plan and Sefton Unitary Development Plan, the proposal has been subject to significant public consultation, it cannot be located outside the Green Belt and it overcomes harm caused by the previous ‘blue route’.”

Consequently perhaps the most significant and relevant UDP policy is Policy CS2 – Restraint on Development and Protection of Environmental Assets

This policy states that: “development will not be permitted where it would cause significant harm to:

- the purposes of the Green Belt and its open character;
- rural landscape character;
- the best and most versatile agricultural land;
- sites and species of nature conservation importance;
- urban greenspace;
- sites of archaeological, historic or cultural importance; and
- Unavoidable losses must be compensated for by equivalent benefits and in all cases development proposals and/or management regimes should seek to enhance the above mentioned assets.”

6.4.3 The rest of this section summarises the key planning policy implications for issues/aspects of the scheme listed in paragraph 6.4.1 and how the scheme conforms with them.
Green Belt Considerations

6.4.4 The fundamental aim of PPG 2 (Green Belts) “is to prevent urban sprawl by keeping land permanently open”, whilst the “most important attribute of Green Belts is their openness.” PPG 2 also lists the purposes of including land within the Green Belt of which proposals should not conflict, and also the objectives of the use of land in the Green Belt, which large scale developments should so far as possible achieve.

6.4.5 PPG2 also states (Para 3.12) that with regard to engineering and other operations: ‘The carrying out of such operations and making material changes in the use of land are inappropriate unless they maintain openness and do not conflict with the purposes of including land in the Green Belt”. Paragraph 3.2 states that: “Inappropriate development is by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

6.4.6 The adopted Supplementary Planning Guidance (Development in the Green Belt - November 2003) highlights that all developments in the Green Belt need to comply with UDP policies: CS 1 (Development and Regeneration); CS 2 (Restraint on Development and Protection of Environmental Assets); CS 3 (Development Principles); GBC 1 (The Green Belt); GBC 2 (Development in the Green Belt); GBC 6 (Landscape Character); and GBC 7 (Agricultural Land Quality). Each of these policies, amongst all other relevant policies, were considered during the establishment of the implications for such development in the Green Belt.

6.4.7 Overall, the scheme maintains the ‘openness’ of the Green Belt and does not conflict with the five purposes of the Green Belt. The Local Planning Authority also considered the proposal to be ‘appropriate’ development by virtue of the TSIL scheme being part of the adopted UDP (Figure 8.1 of the UDP shows it passing through the Green Belt). In addition there are very special circumstances to justify the scheme in Green Belt including economic and regeneration benefits, social and environmental benefits, and the schemes inclusion in the Merseyside Local Transport Plan. The proposal has been subject to significant Public Consultation, it cannot be located outside Green Belt, and it overcomes harm caused by previously proposed routes.

Impacts on Residential Amenity

6.4.8 PPG 24 (Planning and Noise) sets out the guidance for local authorities in ensuring the minimisation of adverse impact of noise. RSS Policy DP7 (Promote Environmental Quality) defines the commitment to protect and enhance environmental quality. A specific means of achieving this, highlighted by this policy, is evaluating potential impacts of managing traffic growth and mitigating road traffic impacts on air quality, noise and health.
6.4.9 The scheme conforms with the provisions of these policies, as the proposal will result in a significant transfer of traffic from residential areas in Thornton and Netherton, leading to reductions in noise in these areas. For the construction stage, control measures will be included in a noise and vibration management plan to be agreed with the Local Planning Authority.

Highway Safety and Efficiency

6.4.10 PPG 13 (Transport) aims to integrate planning and transport at the national, regional, strategic and local level to achieve its relevant objectives. Paragraph 5 of PPG13 states: "This guidance sets out the circumstances where it is appropriate to change the emphasis and priorities in provision between different transport modes, in pursuit of wider Government objectives. The car will continue to have an important part to play and for some journeys, particularly in rural areas, it will remain the only real option for travel."

6.4.11 In Paragraph 68 of PPG13, traffic management measures are promoted to improve the quality of local neighbourhoods. As part of this proposal, which will see the movement of existing traffic away from an established residential area, there will be a number of associated traffic management and speed reduction proposals implemented on existing routes.

6.4.12 TSIL is also in conformity with priorities of the Regional Transport Strategy which aims at "making the most of existing and planned transport networks to ensure that the likely increase in journeys to work, pollution and congestion are limited as much as possible"

6.4.13 UDP Policy T1 (Transport Network Priorities) identifies the Council’s priorities for the development of the transport network, which include:

(a) improving strategic access to the Port of Liverpool and reducing the environmental impact of traffic on the main Port access routes; and
(f) relieving major environmental problems on the Switch Island to Thornton (A5207) route.

6.4.14 UDP Policy CS3 (Development Principles) of the UDP also states that development will not be permitted if it compromises road safety or circulation, causes significant harm to amenity or character and appearance, causes risks through pollution or nuisance, or prejudices comprehensive development.

6.4.15 The UDP transport policies stem from the Local Transport Plan (LTP) and at the time of the planning application, an assessment of how the scheme met the Objectives of LTP2 (2006/11) was included in the supporting Transportation Statement. In the meantime LTP3 became active on 1st April 2011, and whilst it has a series of ‘goals’ as opposed to objectives, the scheme is considered to accord with these.

6.4.16 Overall the TSIL complies with both the local and regional policy and has had a rigorous assessment of its benefits and impacts, which include the provision of a route to bypass established residential areas, and providing more reliable travel times to the Port of Liverpool and Southport, thus
providing numerous benefits. In addition, the scheme is accompanied by a series of local traffic management measures, which complement its recognised strategic objectives and provide improvements to local road safety and accessibility.

**Ecological Impacts**

6.4.17 PPS 9 (Biodiversity and Geological Conservation), seeks to safeguard the biodiversity value of the site by requiring features for appropriate habitat protection and enhancement measures. Policy EM1 (Integrated Enhancement and Protection of the Region’s Environmental Assets) of the RSS seeks to use an integrated approach to conserving and enhancing the landscape, natural environment, historic environment and woodlands.

6.4.18 Natural England and Merseyside Environmental Assessment Service (MEAS) agreed that under the Habitats regulations an Appropriate Assessment was not required, and that even though some habitats will be affected, adequate mitigation was proposed and that planning conditions would ensure their implementation. MEAS also acknowledged that whilst surveys undertaken had not found protected species, such species could not be ruled out and were happy with the imposition of appropriately worded conditions (in accordance with UDP policy NC2 (Protection of Species). Policy NC3 (Habitat Protection, Creation and Management) states that development will not be permitted that would harm identified habitats or features of major importance for wildlife.

6.4.19 The Environmental Statement and the proposed habitat mitigation measures have satisfied the Local Planning Authority (LPA) and their consultees that the scheme is acceptable.

**Archaeological and Heritage Aspects**

6.4.20 PPS5 (Planning for the Historic Environment) is concerned with protecting the historic environment and archaeology. Policy CS2 (Restraint on Development and Protection of Environmental Assets) is a very comprehensive policy that states: “development will not be permitted where it would cause significant harm to (amongst other things):

- sites and species of nature conservation importance;
- sites of archaeological, historic or cultural importance; and
- Unavoidable losses must be compensated for by equivalent benefits and in all cases development proposals and/or management regimes should seek to enhance the above mentioned assets.”

6.4.21 Other UDP policies seek to safeguard sites of historic importance such as archaeological sites, conservations areas and listed buildings e.g. Policy HC6 (Sites and Areas of Archaeological Importance); Policy HC4 (Development Affecting the Setting of a Listed Building) and Policy HC1 (Development in Conservation Areas).

6.4.22 Overall, this proposal has been developed to ensure that there is the appropriate stewardship and protection of the historic environment by
ensuring the implementation of appropriate measures in line with the provisions of the PPS and these policies. No physical impacts on any designated heritage sites are predicted. However there are slight impacts on the settings of Broom’s Cross, the Manor House, Manor House Lodge and Brook Farmhouse. The impact will be slight and will not in any way cause substantial harm or loss of significance. In addition two low value historic buildings – an historic signpost and a brick wall on the east side of Brickwall Lane are directly impacted. The signpost will be re-located and the brick wall will be taken down and re-constructed. In accordance with Policy 9.4 of PPS 5 therefore, the LPA weighed the public benefit of the proposal against the possible harm. In this case the public benefit of the proposal is considered to conclusively outweigh any harmful impact.

6.4.23 During construction, physical impacts from the scheme are predicted to have an impact on 8 non-designated heritage assets. Under Policy 12.3 of PPS 5, where the loss of the whole or a material part of a heritage asset’s significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the heritage asset before it is lost. The recording works in advance of, or during construction as proposed are consistent with the policy.

Loss of Agricultural land

6.4.24 Whilst 21.5 ha of Grades 2 and 3a agricultural land will be lost to the scheme, there is no practical alternative alignment if the road is to be built. Notwithstanding this, land take has been restricted to the minimum and the impact has been assessed as small.

Landscaping Issues

6.4.25 UDP Policy GBC6 (Landscape Character) states that development in the countryside will only be permitted where proposals contribute, as appropriate, to the preservation, conservation, enhancement or restoration of the landscape character of the countryside. Further Sefton MBC SPG document on Landscape Character Assessment establishes the “criteria, characteristics and guidelines against which development proposals will be assessed.” It also helps understand the nature of the landscape in an area and “how to ensure that change and development does not undermine whatever is characteristic or valued about any particular landscape.”

6.4.26 The proposed route, which falls within the Estate Farmlands Landscape Character Area of the scheme, has been aligned to balance the need to protect amenities at properties in Netherton and Thornton, whilst limiting the impact on the landscape of this Character Area. Consequently it will run parallel to the built up area close to the urban boundary and although visual amenity from Netherton and Thornton would be affected, the scheme has been designed to have the least affect possible by way of a rigorous design iteration process (including new hedgerow, shrub and tree planting as well as new woodland planting and pond creation) resulting in the Environmental Masterplan and incorporated in the ES. Overall, the resultant
mitigation and enhancement works associated with this proposal will contribute to the protection and enhancement of the countryside and as such is considered to preserve and enhance the landscape character of the area, which was confirmed by the ES.

**Lighting**

6.4.27 UDP Policy EP7 (Light Nuisance) requires proposals to demonstrate that light spillage, glare and sky glow can be minimised and that the scheme will not harm road safety or wildlife.

6.4.28 The proposed lighting has been designed to balance the need for safety with safeguarding the openness and landscape quality of the surrounding area. Consequently lighting has been restricted to the road junctions and their approaches and has been designed to focus light down onto the road and fitted with a dimming facility for non-peak darkness hours.

**Pollution and Air Quality**

6.4.29 PPS23 (Planning and Pollution Control) states that “any air quality consideration that relates to land use and its development is capable of being a material planning consideration”; though exceeding Air Quality Standards is not a reason for the refusal of planning permission. PPS23 also has a series of tests concerning the pollution effects – this proposal satisfies these tests, as it will reduce congestion, provide more reliable journey times and reduce delays for through (strategic) traffic.

6.4.30 UDP Policy EP2 (Pollution) states that development will not be permitted if it significantly affects local air quality, surface water and groundwater quality, or soil quality.

6.4.31 Overall impacts on air quality are beneficial because of the transfer of traffic from existing residential areas to the new link. In addition, the scheme improves air quality for more than three times the number of properties than for those who experience poorer air quality.

6.4.32 The impacts of the scheme on soil and groundwater have been described in the ES. No significant impacts on soil or groundwater quality are predicted.

**Flood Risk**

6.4.33 The planning application was accompanied by a flood risk assessment by virtue of a small area of the scheme being within a flood risk area (Flood Zone 3a) and in accordance with the provisions of this policy and PPS 25 (Development and Flood Risk). The EA were consulted on this matter and responded in a letter of 8 March 2010 stating that they had “no objection to the approach being undertaken.” The sequential test identified that due to the location of Switch Island junction, there was no alternative to locating part of the road in floodplain. The exception test has shown that the road scheme will provide wider sustainability benefits by reducing stress, safety risk and
journey times to drivers. As a consequence the scheme meets the requirements of PPS 25.

Consultation

6.4.34 A comprehensive Statement of Community Involvement (SCI) was submitted in support of the scheme. This SCI highlighted the pre-scheme consultation to establish the need and preferred type of a road scheme and 4 specific consultation events associated with the scheme. In the Planning Committee report of 15th December 2010, the Local Planning Authority concluded that: “the consultation process has been as inclusive and comprehensive as possible with the significant majority of people in support of the scheme.”
7. SCHEME APPROVAL, FINANCIAL PROVISION AND PROGRAMME

7.1 Scheme Approval and Financial Provision

7.1.1 A planning application for the scheme was submitted in July 2010 and a resolution to approve planning permission was proposed by the Council in December 2010, subject to ratification by the Government Office for the North West. This decision was then confirmed when Government Office for the North West decided in January 2011 that the Secretary of States intervention would not be justified (see Appendix 3). The planning permission date is 25th January 2011 (see Appendix 4 for the decision notice).

7.1.2 In October 2010, the scheme was confirmed to be in the Department for Transport’s ‘Supported Pool’ of local authority major transport schemes. Funding for the scheme was confirmed in February 2011 following the confirmation of acceptance of the SMBC Best and Final Funding Bid (see Appendix 5).

7.1.3 Sefton MBC have confirmed their acceptance of the DfT terms and conditions (see Appendix 5).

7.2 Scheme Cost

7.2.1 The Scheme Quantified Cost Estimate is £19.24m (including £650K non-eligible costs).

7.3 Funding

7.3.1 In confirming the scheme in the Major Schemes Programme, the Department for Transport has approved a contribution of £14.5m. The remaining £4.74m will be funded by Sefton Metropolitan Borough Council, who are promoting the scheme. The funding is available within the Sefton Capital Programme in the medium term (2010-2015) financial plan, as set out in the ‘Capital Programme 2011-12’ report, paragraph 4.5.7 and Annex A.

7.4 Programme

7.4.1 A tender for an Early Contractor Involvement (ECI) contract was let by Sefton Metropolitan Borough Council in 2009.

7.4.2 In October 2010, following the Government Spending Review, the scheme was included in the Department for Transport’s ‘Supported Pool’ of schemes which were programmed to start before 2015. Following a ‘Best and Final Offer’ made by Sefton MBC in December 2010, the scheme was allocated funding by the DfT in February 2011. DfT’s funding is subject to confirmation of the overall cost and scope of the scheme; confirmation that Sefton MBC have acquired all the necessary statutory powers, and;
confirmation that Sefton MBC have the ability to cover their required funding, including for the statutory process.

7.4.3 It is the intention to publish Orders in Summer 2012 and submit to the Secretary of State for confirmation. Should a Public Inquiry be required, then this is likely to be held in 2013.

7.4.4 Construction start depends on the confirmation of the CPO and SRO and will take 12 months to complete.
8. SIDE ROADS ORDER

8.1 The Need for a Side Roads Order (SRO)

8.1.1 The SRO will, subject to confirmation by the Secretary of State for Transport, empower the Sefton Metropolitan Borough Council to stop up existing side roads and private means of access affected by the Scheme, to improve existing side roads and to create new side roads and private means of access required as a consequence of the main works.

8.1.2 The full title of the Order published under the Highways Act 1980 is;

THE SEFTON METROPOLITAN BOROUGH COUNCIL
(THORNTON TO SWITCH ISLAND LINK ROAD)
A5758 BROOM’S CROSS ROAD
(SIDE ROADS) ORDER 2012

8.2 The Need for Side Roads Alterations

8.2.1 The proposed alterations to existing highways and private means of access that will be affected by the Scheme are detailed in the Schedule attached to the Side Roads Order, and shown diagrammatically on the Side Roads Order plans. The following descriptions should be read in conjunction with the Schedules in the Order and the Order Site Plans.

8.2.2 The Scheme will require alteration of side roads and accesses, and the Order made under Sections 14 and 125 of the Highways Act 1980 authorises the Council to:

(a) improve, divert, raise, lower or otherwise alter the lengths of highway named in the Schedules and shown on the corresponding Site Plan by cross hatching (Section 14);

(b) stop up each length of highway described in the Schedules and shown on the corresponding Site Plan by zebra hatching (Section 14);

(c) construct a new highway along each route whose centre line is shown on a Site Plan by an unbroken black line surrounded by stipple (Section 14);

(d) stop up each private means of access to premises described in the Schedules and shown on the corresponding Site Plan by a solid black band (Section 125); and

(e) provide new private means of access to premises at each location shown on a Site Plan by thin diagonal hatching (Section 125).

8.2.3 The proposed arrangements are detailed below. In the following descriptions capital letters (e.g. ‘A’) refer to sections of new highway; lower case letters (e.g. ‘a’) refer to private means of access to be stopped up, and;
numbers (e.g. ‘1’) refer to new private means of access. Highways to be improved, diverted, raised, lowered or otherwise altered, and highways to be stopped up do not have a reference.

**8.3 Site Plan No. 1 – Long Lane, Back Lane and Other Alterations**
*(All references refer to SRO Site Plan No. 1)*

**Highways to be improved, diverted, raised, lowered or otherwise altered**

8.3.1 Ince Lane (A565) will be improved so that the new Classified Road can tie into the existing road network. From a point 220m northwest of its existing junction with Long Lane and Ince Road it will be raised and diverted over a distance of 260m, where it will tie into the improved Southport Road (A565).

8.3.2 Southport Road (A565) will be improved to tie into the improved Ince Lane (A565) and the new Classified Road. It will be improved from its junction with Long Lane and Ince Road over a distance of 40m.

8.3.3 Long Lane will be raised and diverted to tie into a section of new highway (reference A), which will create a safer junction layout with Ince Lane (A565). This improvement will be from a point 240m north of its existing junction with Ince Road, Ince Lane (A565) and Southport Road (A565), southwestwards for a distance of 120m.

8.3.4 Ince Road will be improved to tie into the improved Ince Lane (A565). It will be improved from its existing junction with Southport Road (A565), Ince Lane (A565) and Long Lane, southwards for 45m.

8.3.5 Southport Road (Service Road) will be improved over a distance of 30m at its western end to tie into the improved Ince Road. It will also be improved over a distance of 20m at its eastern end to tie into the improved Park View.

8.3.6 Park View (A565) will be diverted to tie into the Classified Road at Park View. It will be diverted from a point 70m south of where it becomes Southport Road (A565), and is diverted over a distance of 80m.

8.3.7 Holgate will be improved through provision of a turning head south of Orchard House, which is required because Holgate is to be stopped up and there will be no through route for vehicular traffic.

**Highways to be stopped up**

8.3.8 Long Lane will be stopped up from its junction with Southport Road (A565) at the point where the new highway connects with the existing road, northwards for a distance of 125m. It will be replaced by a new section of highway (reference A) described below, that will form a safer layout than the existing junction.
8.3.9 Southport Road (A565) will be stopped up from a point 20m south-east of its junction with Long Lane, south-eastwards for a distance of 480m, because it is being replaced by the new Classified Road located to the northeast, and will therefore become redundant highway. This will allow it to be returned to agriculture.

8.3.10 Back Lane is severed by the new road. It will be stopped up from its junction with Holgate, generally eastwards then northwards to its junction with Longdale Lane, a total distance of 705m. A new bridleway (reference B) will be created as a replacement, as described in the section below.

8.3.11 Holgate is severed by the new road. It will be stopped up from a point 5m north of its junction with the access to Orchard House, generally northwards to a point 30m northwest of its junction with Back Lane, a total distance of 160m. New bridleways (references C, D and E) will be created as a replacement, as described in the section below.

8.3.12 Public Footpath Thornton No.2 is severed by the Classified Road and will be stopped up within its boundaries, and within an area of associated planting for a total distance of 25m. It will tie back into a proposed new bridleway (reference F).

8.3.13 Rakes Lane is severed by the new road. It will be stopped up from its junction with Back Lane, southwards for 120m, within the boundary of the Classified Road and an area of associated planting. A new bridleway (reference F) will be created as a replacement, as described in the section below.

New highways

8.3.14 A new section of highway (reference A) will be created to replace the stopped up Long Lane. It will tie into the improved Long Lane, and to the south will form a junction with the improved Ince Lane (A565), 60m northwest of the existing junction. Long Lane and Ince Road shall form a staggered junction with the A565, which will be a safer layout than the existing crossroads.

8.3.15 A new bridleway (reference B) will be provided to replace the stopped up Back Lane. It will tie-in to the realigned Holgate (reference C, see below), and follow a line eastwards parallel to the northern boundary of the Classified Road until it reaches Back Lane, whereby it will follow the line of Back Lane to its junction with Longdale Lane. Back Lane will be reclassified as bridleway as described above because there will no longer be a through route for vehicular traffic.

8.3.16 A new bridleway (references D and E) will be provided along the line of Holgate, from 5m north of its junction with the access to Orchard House, to the southern boundary of the Classified Road where there will be a Pegasus Crossing across the Classified Road. Another new bridleway (reference C) will be provided along the northern boundary of the Classified Road from the Pegasus Crossing, westwards to tie in to Holgate. Holgate is to be
reclassified as bridleway as described because there will no longer be a through route for vehicular traffic.

8.3.17 A new bridleway (reference F) will be provided from Rakes Lane, westwards parallel to the southern boundary of the Classified Road, to tie in with the new bridleway at Holgate (reference D), and also tying in with public footpath Thornton No.2 and Rothwells Lane.

Private means of access to be stopped up

8.3.18 The access to field OS 6046 off Long Lane (reference a) will be stopped up, because Long Lane will also be stopped up at this location. New accesses (references 2 and 3) will be created as a replacement, as described in the section below.

8.3.19 The access to field OS 0003 (reference b) off the stopped up Back Lane shall also be stopped up. No replacement is required as a reasonable alternative route is available via Rakes Lane.

New private means of access

8.3.20 A new access (reference 1) will be created off the realigned Long Lane, for maintenance vehicles to access a new attenuation pond.

8.3.21 New accesses shall be provided to the severed parts of field OS 6046, replacing those being stopped up. An access (reference 2) will be provided off Southport Road (Service Road), and another (reference 3) provided off the Classified Road, Park View spur.

8.3.22 A new access (reference 4) will be created from a point on Holgate 5m north of its junction with the access to Orchard House, northwards along Holgate and the route of new bridleway reference E, to access a severed area of woodland, part of OS 6046.

8.3.23 A new access (reference 5) will be created off Back Lane, for maintenance vehicles to access a new attenuation pond.

8.4 Site Plan No. 2 – Brickwall Lane and Other Alterations
(All references refer to SRO Site Plan No. 2)

Highways to be improved, diverted, raised, lowered or otherwise altered

8.4.1 Brickwall Lane will be diverted and widened to form a signalised junction with the new Classified Road. It will be diverted from a point just north of its junction with Northern Perimeter Road, northwards for a distance of 190m.

8.4.2 Brickwall Lane will also be diverted and widened from a point 165m north of the Classified Road, southwards to form part of the same signalised junction.
Highways to be stopped up

8.4.3 Brickwall Lane is severed by the Classified Road and will be stopped up between its boundaries, a distance of 50m. In its place will be the new signalised junction between Brickwall Lane and the Classified Road.

8.4.4 Public Footpath Sefton No. 5 is severed by the Classified Road and will be stopped up between its boundaries, a distance of 75m. Alternative routes are available via existing footways, and proposed new footways are to be provided within the highway boundary as part of the scheme (see 8.4.6).

8.4.5 Public Footpath Sefton No. 4 is severed by the Classified Road and will be stopped up from its junction with footpath Sefton No. 5, south-eastwards to the southern boundary of the Classified Road, a total distance of 285m. Alternative routes are available via existing footways, and proposed new footways are to be provided within the highway boundary as part of the scheme (see 8.4.6).

New highway

8.4.6 A footway will be built along the northern boundary of the Classified Road, within the highway boundary, but separated from the road by a bank of trees. It will travel from Brickwall Lane in the west, where it will join the existing footway along Brickwall Lane, and where there will be a signal controlled crossing over the Classified Road. The footway will then travel along the northern boundary of the Classified Road to Chapel Lane in the east, where it will meet the Trans-Pennine Trail, and where there will be another signal controlled crossing over the Classified Road. Similarly, there will be a footway within the southern boundary of the Classified Road, connecting footpath Sefton No. 5, to footpath Sefton No. 4 where it meets Netherton Brook. These footways shall be within the boundary of the Classified Road, and are therefore not defined as new footways under the Side Roads Order.

Private means of access to be stopped up

8.4.7 The access across field OS 0308 (reference a) is severed by the Classified Road and will be stopped up between its boundaries. A new access (reference 1) will be created off Lydiate Lane.

8.4.8 Brickwall Lane is being widened on its western side which will require the access to field OS 0368 (reference b) to be stopped up, and new access (reference 2) to be created on the re-aligned highway boundary, as described below.

8.4.9 The access to field OS 9546 (reference c) off Brickwall Lane will be stopped up due to its proximity to the new signal controlled Brickwall Lane junction. Alternative access is available from Lydiate Lane so it will not be replaced.
New private means of access

8.4.10 A new access to field OS 0308 (reference 1) shall be provided off Lydiate Lane, and a new access to field 0368 (reference 2) shall be provided off Brickwall Lane, to replace those being stopped up.

8.5 Site Plan No. 3 – Chapel Lane and Other Alterations
(All references refer to SRO Site Plan No. 3)

Highways to be improved, diverted, raised, lowered or otherwise altered

8.5.1 Chapel Lane will be diverted to form a junction with the new Classified Road. It will be diverted from a point 40m south of the entrance to Brook House Farm, southwards for a distance of 60m.

Highways to be stopped up

8.5.2 Chapel Lane is severed by the new road. It will be stopped up from a point 10m east of its junction with the access to The Lodge, generally north-eastwards to the northern boundary of the Classified Road, a total distance of 122m. Access to Manor House Farm and The Lodge will be unaffected. A new bridleway (reference A) will be created as a replacement, as described below.

New highway

8.5.3 A new bridleway (reference A) will be provided as a replacement for the stopped up Chapel Lane. It will be provided from the point 10m east of the junction of Chapel Lane with the access to the Lodge, north-eastwards to the southern boundary of the Classified Road. Chapel Lane is reclassified as bridleway as described above because there will be no through route for vehicular traffic. Agricultural access to adjoining land will be permitted along the new bridleway. Access for vehicular traffic to Brook House Farm will be provided from a new signal controlled junction on the new Classified Road. Access for agricultural vehicles only to the bridleway to the south of the new road will also be provided at this junction. There will be a signal controlled pedestrian crossing over the Classified Road adjacent to Chapel Lane junction, in line with the Trans-Pennine Trail.

Private means of access to be stopped up

8.5.4 Accesses to field OS 5133 (references a and b) are severed by the Classified Road and shall be stopped up between its boundaries. Alternative access is available which is reasonably convenient, and they will not be replaced.
New private means of access

8.5.5 There will be a new access (reference 3) from Chapel Lane westwards to a new access track within the Classified Road highway boundary. The access track leads to new field accesses, to a part of field OS 0060 (reference 2), and to field OS 7967 (reference 1). They are required because the existing accesses are in parts of fields that will be severed by the Classified Road.

8.5.6 There will be a new access (reference 7) off the Classified Road providing access along the route of the new bridleway (reference A). This will provide access for agricultural vehicles to the new accesses (references 4 and 5) and to Chapel Lane south of the Classified Road.

8.5.7 There will be a new access (reference 4) off Chapel Lane, south of the new Classified Road, to a part of field OS 0060 that shall be severed by the new Classified Road.

8.5.8 There will be a new access (reference 5) to field OS 5133 off Chapel Lane, because the existing access is in a part of the field that will be severed by the Classified Road.

8.5.9 There will be a new access (reference 6) from the re-configured VOSA facility onto the new link road in the eastbound direction, for vehicles exiting the site.

8.6 SRO Summary

8.6.1 This section has demonstrated that the requirements of Highways Act sections 14(6) and 125(3) have been met, which state;

- No order authorising the stopping up of a highway shall be made or confirmed by the Minister unless he is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up (14(6))

- No order authorising the stopping up of a means of access to premises shall be made or confirmed by the Minister unless he is satisfied that no access to the premises is reasonably required or that other reasonably convenient means of access to the premises is available or will be provided (125(3)).

8.6.2 The making and confirmation of the Side Roads Order will enable the Council to improve, raise, lower, divert or otherwise alter highways; stop up highways; construct new highways; stop up private means of access to premises, required as a consequence of the construction of the classified road and; to provide new private means of access to premises, as required for the Thornton to Switch Island Link Road scheme.
9 THE COMPULSORY PURCHASE ORDER

9.1 Introduction

9.1.1 The Scheme requires the acquisition of land for which a Compulsory Purchase Order has been made. The Council will be negotiating with the owners to purchase by agreement, but it is necessary to seek authority for compulsory purchase to ensure that all land required for the scheme is available at the appropriate time.

9.1.2 Land is currently in the ownership of Sefton MBC, private owners, and the Department for Transport (DfT) (Highways Agency and VOSA).

9.1.3 The Council is currently negotiating with private owners (see section 9.2) and two agreements have been made with the DfT to carry out works on their land (see Appendix 7). These agreements allow for the alteration to Switch Island Junction to accommodate a revised junction layout, and to construct new highways across land currently occupied by the VOSA site. As a result no Orders are required to carry out these elements of the works.

9.1.4 The majority of land owned by Sefton MBC is tenanted, and whilst these are subject to the Order, negotiations are currently being carried out with tenants to agree appropriate termination dates for the tenancies, and notices have been served. Other Sefton MBC owned land will be incorporated into the scheme.

9.2 Consultations with Land Interests

9.2.1 Following approval for ‘Programme Entry’ into the DfT’s major schemes programme, Sefton MBC have carried out extensive consultation and negotiation with Land Owners and Tenants in order to achieve an acceptable scheme proposal, whilst having regard to the provisions of the First Protocol of the European Convention on Human rights.

9.2.2 In June 2009 all Land Owners and Tenants were contacted to arrange for entry onto their land for site investigation and topographical survey work to be carried out in the autumn of that year. Entry was by agreement, and all affected parties entered into Licences with the Council allowing the work to proceed.

9.2.3 As part of the investigations an agricultural consultant was retained to speak with each Land Owner/Tenant and assess the impact of the proposed scheme on their agricultural operations. In July/August 2009 a series of meetings were held by the consultant with affected land owners and tenants.

9.2.4 Meetings were subsequently held with all Land Owners and Tenants to discuss the proposed scheme in general terms and endeavour to agree accommodation works. The results of the consultations were fed back to the design team to be incorporated insofar as possible into the Scheme.
9.2.5 Discussions were suspended on announcement of the government spending review in June 2010. Following the inclusion of the scheme in the new government’s major schemes programme, negotiations have been re-opened with all Land Owners and Tenants to discuss the proposed scheme, the proposed accommodations works and the voluntary acquisition of land interests required for the scheme. Negotiations are ongoing and will continue until agreement is reached.

9.2.6 Details of the accommodation works are included in 4.11 of this Statement.

9.3 The Order

9.3.1 The Compulsory Purchase Order has been made and is about to be submitted to the Secretary of State for confirmation pursuant to the Highways Act 1980 (sections 239, 240, 246, 249 and 250) and the Acquisition of Land Act 1981.

9.3.2 The full title of the Order is:

THE SEFTON METROPOLITAN BOROUGH COUNCIL
(THORNTON TO SWITCH ISLAND LINK ROAD)
A5758 BROOM’S CROSS ROAD
COMPULSORY PURCHASE ORDER 2012

9.4 The Need for the Order Land

9.4.1 The need for the scheme and the scheme objectives are set out in Chapter 3.

9.4.2 A description of the Scheme proposals, the effects of the Scheme and how it addresses the established objectives are detailed in Chapter 4.

9.4.3 Under powers of the Highways Act 1980 sections 239, 240, 246, 249 and 250, Sefton MBC are acquiring land and rights for the purposes of:

- the construction of a new highway which will provide a link between Southport Road (A565) at Thornton and the junction of the M57, M58, A59 and A5036 at Switch Island, Netherton;

- the construction of a new highway to connect the above mentioned highway with the existing road system at Park View, Thornton;

- the diversion and extinguishment of existing drainage and the carrying out of drainage works in connection with the construction of highways, including the construction of four attenuation ponds adjacent to Long Lane, Rakes Lane, Netherton Brook and Switch Island Junction, and the provision of new means of access to those attenuation ponds, all of which are included within the CPO;
• the construction of the following ancillary highway:-
  a new highway between the improved Long Lane and the improved Ince Lane (A565)

the construction of the following new bridleways:-
  a new bridleway along the northern boundary of the Classified Road from Holgate to Back Lane, then along Back Lane to its junction with Longdale Lane;
  a new bridleway along the route of Holgate, from north of Orchard House to the Classified Road;
  a new bridleway along the southern boundary of the Classified Road from Rakes Lane to Holgate;
  a new bridleway along the route of Chapel Lane from east of its junction with the access to the Lodge to the Classified Road

and the improvement of the following existing highways:-
  Ince Lane (A565) at Thornton
  Southport Road (A565) at Thornton
  Long Lane at Thornton
  Ince Road at Thornton
  Southport Road (Service Road) at Thornton
  Park View (A565) at Thornton
  Holgate at Thornton
  Brickwall Lane at Netherton
  Chapel Lane at Netherton

in pursuance of the Side Roads Order (see section 8);

• use by the acquiring authority to construct a turning head on Holgate in connection with the construction and improvement of highways and the provision of new means of access to premises as aforesaid;

• the provision of new means of access to premises, in pursuance of the Side Roads Order (see section 8);

• use by the acquiring authority for use as site compounds and topsoil storage areas in connection with the construction and improvement of highways as aforesaid;

• the provision of part of a new facility for the Vehicle and Operator Services Agency (VOSA) to mitigate the adverse effect on land used by them which the existence or use of the highways proposed to be constructed or improved will have on its operation. An agreement has been entered into with the DfT to carry out works to the VOSA site and to provide a replacement facility and as a result the existing VOSA site does not need to be included in the CPO;

• to provide off site planting areas to mitigate against the environmental impact which the existence or use of the highways proposed to be
constructed or improved will have on the surroundings thereof by the provision of landscaping and habitat creation;

- the right to cleanse and maintain existing watercourse at Hunts Brook.

9.5 The Order Land

9.5.1 The Order Land has a total area of 34.2883 hectares. This comprises 34.1805 hectares for which Title to the land is required and 0.1078 hectares for which Rights over land for cleansing and maintaining watercourses is required. The Order Plans detail the specific plots with areas for Title shaded pink and areas for Rights shaded blue. The plots are shown on two Site Plans.

9.5.2 The large majority of land required for the route is agricultural farmland. The route crosses several farms with the land being typically arable, but there is some pasture land to the south of Back Lane between Holgate and Rakes Lane.

9.5.3 There are two areas, one to the north of Back Lane the other to the west of Holgate that have been planted with trees, and in some places have a periphery of grassland. They were designated as part of the plantation known as the 'Mersey Forest', but have recently been acquired by Sefton MBC for the purposes of the scheme, and are included in the Order land.

9.5.4 The breakdown of land by existing use is tabulated below:

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Hectares</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arable land</td>
<td>18.6533</td>
<td>Permanently required 73.04</td>
</tr>
<tr>
<td></td>
<td>+ 6.3918</td>
<td>For site compounds</td>
</tr>
<tr>
<td>Pasture land</td>
<td>5.4105</td>
<td>Permanently required 17.62</td>
</tr>
<tr>
<td></td>
<td>+ 0.6305</td>
<td>For site compounds</td>
</tr>
<tr>
<td>Woodland and grassland</td>
<td>1.0046</td>
<td>Permanently required 2.93</td>
</tr>
<tr>
<td>Existing highway</td>
<td>2.0898</td>
<td>Permanently required 6.09</td>
</tr>
<tr>
<td><strong>SUB-TOTAL</strong></td>
<td><strong>27.1582</strong></td>
<td>Permanently required 99.69</td>
</tr>
<tr>
<td></td>
<td>+ 7.0223</td>
<td>For site compounds</td>
</tr>
<tr>
<td></td>
<td>= <strong>34.1805</strong></td>
<td></td>
</tr>
<tr>
<td>Watercourse</td>
<td>0.1078</td>
<td>Rights permanently required 0.31</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>34.2883</strong></td>
<td><strong>100.00</strong></td>
</tr>
</tbody>
</table>

9.5.5 As indicated in the above table, there are three plots included in the CPO for use as site compounds and/or topsoil storage areas associated with the construction of the road. These plots are all located on land owned by Sefton MBC, but which are tenanted to third parties. Sefton MBC will seek to take temporary occupancy of the land via agreement with the current tenants. If agreement cannot be secured, then the land will be occupied using powers
given by the Order. It is intended to return these plots to their former use on completion of construction.

### 9.6 Description of Land Required for Title by Plot References

#### Classified Road, connection to Park View and drainage works

9.6.1 Title of land is required for the Classified Road, the connection to Park View and for associated drainage works:

- **Site Plan 1:** Plots 1/2, 1/2c, 1/2d, 1/4, 1/4b, 1/4o, 1/4x, 1/4ab, 1/8, 1/8d
- **Site Plan 2:** Plots 2/1, 2/1b, 2/2, 2/3, 2/4, 2/4c, 2/5, 2/5b, 2/5k, 2/5n, 2/5o, 2/6

#### Ancillary Highways and Existing Highways to be Improved

9.6.2 Title of land is required for the provision of ancillary highways and improvements to existing highways to connect the Classified Road to the existing network:

- **Site Plan 1:** Plots 1/2a, 1/2b, 1/2e, 1/3, 1/4a, 1/4c, 1/4d, 1/8a, 1/8b, 1/8c, 1/8e, 1/9, 1/9a
- **Site Plan 2:** Plots 2/1a, 2/1c, 2/1d, 2/1e, 2/4b, 2/5a, 2/5d

#### Bridleways

9.6.3 Title of land outside the boundaries of the Classified Road is required for the provision of bridleways:

- **Site Plan 1:** Plots 1/4r, 1/4s, 1/4v, 1/4z, 1/6
- **Site Plan 2:** Plots 2/4d, 2/5c, 2/5e

#### Turning Head

9.6.4 Title of land is required for the provision of a turning head at Holgate where the existing highway will be stopped up:

- **Site Plan 1:** Plot 1/7, 1/7a

#### Site Compounds

9.6.5 Title of land is required to provide for site compounds and/or topsoil storage areas associated with the construction of the scheme:

- **Site Plan 1:** Plot 1/4e, 1/4ad
- **Site Plan 2:** Plot 2/1g, 2/5h
New Means of Access

9.6.6 Title of land is required outside the boundary of the Classified Road for the provision of an accommodation track to give 3rd party rights of access:

Site Plan 1: Plot 1/3b, 1/4h
Site Plan 2: Plot 2/4a

VOSA Compound

9.6.7 Title of land is required to provide part of a new facility for VOSA, to mitigate against the partial loss of their existing facility:

Site Plan 2: Plot 2/5l, 2/5m

Environmental Mitigation

9.6.8 Title of land is required for the provision of planting areas to mitigate against the environmental impact of the road:

Site Plan 1: 1/3a, 1/3c, 1/4f, 1/4g, 1/4i, 1/4j, 1/4k, 1/4l, 1/4m, 1/4n, 1/4p, 1/4q, 1/4t, 1/4w, 1/4y, 1/4aa, 1/4ac, 1/5
Site Plan 2: 2/1f, 2/2a, 2/2b, 2/3a, 2/5f, 2/5g, 2/5i, 2/5j

9.7 Description of Land Required for Rights by Plot References

Right to Cleanse and Maintain Watercourse

9.7.1 Right is required to access land to cleanse and maintain watercourses:

Site Plan 1: 1/1, 1/2f

9.8 Completeness of CPO and Crown Land

9.8.1 In addition to the land described in sections 9.6 and 9.7, two agreements are in place with the Department for Transport (DfT) to enter and construct works on Crown Land for VOSA and on the main line and junction at the tie in to Switch Island (Agreements pursuant to Section 6 Highways Act – outside the CPO). The Agreements are provided in Appendix 7, and for details see part 9.1.

9.8.2 Other land required to complete the works is classified as highways land and is under the control of Sefton MBC as the highway authority, so acquisition is not required.
9.8.3 In total 28.7663 Ha of land is permanently required for the scheme. This is made up of the following:

- Order Land (excluding land for compounds and storage, and new rights)
  - Private ownership     8.2395 Ha
  - Sefton MBC ownership 18.9187 Ha
  Sub-total                  27.1582 Ha
- DfT Land                    0.8928 Ha
- Existing Sefton MBC Highways     0.6586 Ha

Total                               28.7096 Ha

9.8.4 In addition, the compound and topsoil storage area amount to 7.0223 Ha.

9.8.5 In addition rights are required to access land to cleanse and maintain watercourses over 0.1078 Ha of land.

9.8.6 This demonstrates that all land required for the scheme can be acquired or accessed by agreement, and that there are no known impediments to its implementation.

9.9 Planning Permission and Other Consents

Planning Permission

9.9.1 Planning permission (ref. S/2010/1050) for the road scheme was granted on 25th January 2011. This permission is subject to 31 conditions all of which the promoting authority will meet (see the decision document in Appendix 4). This will include securing all necessary licenses and permissions.

9.9.2 In addition a minor amendment to the planning approval to cover the provision of a new agricultural access off the Chapel Lane junction (ref. S/2012/0009) was approved on 2nd February 2012. The changes involved minor amendments to the junction layout, signal positions and the pedestrian crossing point. The planning officer deemed that the changes were such that a minor amendment application was appropriate.

9.10 Special Consideration Affecting the Order Land

9.10.1 A Protected Assets Certificate can be found in Appendix 6, giving details of buildings, monuments or areas of historical significance within the Order land.
9.10.2 There are no ancient monuments or listed buildings in the Order land.

9.10.3 There are no buildings in a conservation area that would be demolished.

9.10.4 The scheme does not require any land owned by the National Trust.

9.10.5 The scheme does not require any common land.

9.11 Property Demolition

9.11.1 There will be no property demolition required.

9.12 Related Order

9.12.1 Other than a Side Roads Order (see Chapter 8), which is being submitted to the Secretary of State for confirmation at the same time as the Compulsory Purchase Order, there are no other orders associated with these proposals.

9.13 CPO Summary

9.13.1 This document has demonstrated how Sefton MBC justifies its proposals for the compulsory acquisition of land required for this project.

9.13.2 Sections 3, 4, 5 and 6 have demonstrated that there is a compelling case in the public interest for the compulsory purchase to be made, and regard has been made to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights.

9.13.3 The document has also demonstrated that, subject to confirmation of the Orders, all land required in order to construct the Thornton to Switch Island Link Road scheme will be available to Sefton MBC.

9.13.4 The funding and planning approvals are also in place and there are no other impediments to the progression of the scheme.

9.13.5 Hence on confirmation of the SRO and CPO all the elements will be in place to enable the scheme to proceed to construction.
10 FURTHER INFORMATION

10.1 Supporting Documents

10.1.1 The supporting documents are available at Magdalen House, Bootle.

10.1.2 In the event of public local inquiries into the made Orders, Sefton Metropolitan Borough Council intends to refer to or put in evidence the documents listed in Appendix 8. The Council reserve the right to add other documents to this list.

10.2 Access to Documents

10.2.1 The Order Documents can be inspected at:

Main Reception,
The offices of Sefton Metropolitan Borough Council,
Magdalen House,
30 Trinity Road,
Bootle,
Merseyside,
L20 3NJ

Or:

Main Reception,
Sefton Metropolitan Borough Council,
The Town Hall,
Lord Street,
Southport,
PR8 1DA

Or

Crosby Library,
Crosby Road North,
Waterloo,
L22 0LQ

Or

College Road Carnegie Library,
College Road,
Great Crosby,
L23 3DP
Alternatively the documents can be inspected on the Sefton Metropolitan Borough Council website at:

http://www.sefton.gov.uk/thorntonlink

10.3 Compensation

10.3.1 Provision is made by statute with regard to compensation for the compulsory purchase of land and depreciation in value of affected properties. More information is given in the series of booklets published by the Department of Communities and Local Government entitled ‘Compulsory Purchase and Compensation’ listed below:

Booklet No. 1 – Compulsory Purchase Procedure
Booklet No. 2 – Compensation to Business Owners and Occupiers
Booklet No. 3 – Compensation to Agricultural Owners and Occupiers
Booklet No. 4 – Compensation to Residential Owners and Occupiers
Booklet No. 5 – Reducing the Effect of Public Development: Mitigation Works

Copies of these booklets are obtainable free of charge from:

Communities and Local Government Publications,
Cambertown House,
Goldthorpe Industrial Estate,
Rotherham,
S63 9BL

Tel: 0300 123 1124

Or can be downloaded directly from:

http://www.communities.gov.uk/publications/planningandbuilding/compulsorypurchase
Appendix 2 Public Rights of Way Plan
Dear Madam,

TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2009.
THORNTON – SWITCH ISLAND LINK, DUNNINGS BRIDGE ROAD, NETHERTON

I refer to your submission dated 16th December 2010 relating to the above planning application which was referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009.

As you know, the Secretary of State’s general approach is not to interfere with the jurisdiction of local planning authorities unless it is necessary to do so. Parliament has entrusted them with responsibility for day-to-day planning control in their areas. Local planning authorities are normally best placed to make decisions relating to their areas and it is right that in general, they should be free to carry out their duties responsibly, with the minimum of interference.

There will be occasions, however, when the Secretary of State may consider it necessary to call in a planning application to determine it himself instead of leaving it to the local planning authority. His policy is to be very selective about calling in planning applications. He will, in general, only take this step if planning issues of more than local importance are involved and if those issues need to be decided by the Secretary of State rather than at a local level. Each case is, however, considered on its own facts.

We have carefully considered all the matters raised about this application. The issue before the Secretary of State for decision is not whether the application should be granted planning permission, but whether or not he should call it in for his own determination. The Secretary of State considers that the main matters relevant to his decision in this case are his policies for Green Belts (PPG2) and (PPG13) Transport.
Having carefully considered the relevant planning issues raised by this proposal, together with the representations received by the Council from interested parties, we have concluded that the Secretary of State’s intervention would not be justified. The proposed development would be of no more than local importance and it does not raise issues of such wider significance requiring a determination by the Secretary of State. The decision as to whether to grant planning permission will therefore remain with Sefton Metropolitan Borough Council.

In considering whether to exercise his discretion to call in this application, the Secretary of State has not considered the matter of whether this application is EIA Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The local planning authority responsible for determining this application remains the relevant authority responsible for considering whether these regulations apply to this proposed development and, if so, for ensuring that the requirements of the Regulations are complied with.

Yours faithfully

Michael Ashton
Planning Casework Officer
Committee: PLANNING
Date of Meeting: 15 December 2010
Title of Report: S/2010/1050
Thornton - Switch Island Link, Dunnings
Bridge Road, Netherton
(Park Ward)
Proposal: Construction of a single carriageway link road between Thornton (Southport Road, Long Lane and Ince Road junction) and the Switch Island junction. Including amendments to the Vehicle and Operator Services Agency depot at Switch Island, associated landscaping measures, attenuation ponds and traffic management measures on the local highway network

Applicant: Mr Stuart Waldron Sefton MBC

Executive Summary
This application relates to the proposed new link road between Switch Island and Thornton. The main issues include impacts on the Green Belt, on residential amenity, highway safety, ecology, archaeology, heritage assets and agricultural land, and issues relating to landscaping, lighting, air quality and flood risk.

Recommendation(s) That the application be referred to Government Office for the North West with a recommendation of approval subject to the conditions listed in the report.

Justification
The proposal constitutes appropriate development in the Green Belt and maintains openness, there are no significant detrimental impacts on residential amenity and highway safety, and issues relating to ecology, archaeology, heritage assets, agricultural land, landscaping, lighting, air quality and flood risk have been satisfactorily addressed. In addition, there are very special circumstances including economic and regeneration benefits, social and environmental benefits, the scheme’s inclusion in the Merseyside Local Transport Plan and Sefton Unitary Development Plan, the proposal has been subject to significant public consultation, it cannot be located outside the Green Belt and it overcomes harm caused by the previous ‘blue route’.

Sefton Metropolitan Borough Council Planning Conditions

<table>
<thead>
<tr>
<th>Conditions</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.</td>
</tr>
<tr>
<td>2</td>
<td>The development hereby granted shall be carried out strictly in accordance with the details and plans hereby approved and shall not be varied other than by prior agreement in writing by the Local Planning Authority.</td>
</tr>
</tbody>
</table>
3 The traffic management measures on the existing highway network, shown on drawing number B1286300/PA/015 Rev 1, shall be completed in full within 2 years of the link road hereby approved being opened to traffic.

4 (a) Prior to the commencement of development a scheme of construction works activities shall be submitted to and approved in writing by the Local Planning Authority.

(b) The provisions of the scheme of construction works activities approved under (a) above shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

5 No construction works activities shall take place outside the hours of Monday to Friday 0800 – 1800 hours and Saturday 0800 – 1300 hours unless otherwise agreed in writing by the Local Planning Authority.

6 Prior to the commencement of development, a scheme detailing measures to upgrade sound insulation at Orchard House, Gamekeepers Cottages, The Lodge (N) and (S), Brooke House Farm and Elm Farm, where agreed by the occupiers, shall be submitted to and approved in writing by the Local Planning Authority.

7 (a) A reassessment of the potential noise and vibration from traffic flows shall be submitted to and approved in writing by the Local Planning Authority if the link road is not operational within 5 years of the date of this permission.

(b) The provisions of the reassessment approved under (a) above shall be implemented in full before the new link road is opened to traffic.

8 Before the development is commenced, a landscaping scheme covering the land subject of this application shall be submitted to and approved in writing by the Local Planning Authority, including:
- existing and proposed levels or contours;
- proposed and existing services above and below ground;
- details of boundary treatments and hard surfaces;
- the location, size and species of all trees to be planted;
- the location, size, species and density of all shrub and ground cover planting;
- full design and layout details of all habitat creation;
- a schedule of implementation.

9 The hard and soft landscaping scheme hereby approved shall be carried out prior to the link road hereby approved being
opened to traffic or in accordance with a timetable to be agreed in writing with the Local Planning Authority.

Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

10 (a) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development.

(b) The landscape management plan shall be carried out as approved under (a) above.

11 Prior to commencement of development, full details of a scheme for the eradication of Japanese Knotweed and Himalayan Balsam shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and clearly identify the extent of the Japanese Knotweed and Himalayan Balsam on a scaled plan.

12 Prior to the commencement of the development, the approved scheme and timetable for the eradication of Japanese Knotweed and Himalayan Balsam referred to in condition 11 above, shall be implemented in full.

A validation report confirming that the remediation treatment has been carried out and that the site is free of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority.

13 Before the development is commenced:-

   a) A survey for water voles shall be undertaken and results, together with a scheme of protection measures and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

   b) This scheme shall then be implemented in accordance with the details approved under (a) above.

14 Before the development is commenced:-

   a) A survey for badgers shall be undertaken and results, together with a scheme of protection measures and a
timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

b) This scheme shall then be implemented in accordance with the details approved under (a) above.

15 All felling of mature trees at the western section of road shall be undertaken between 1st September and 31st December.

16 No tree, scrub or hedgerow felling, management and/or cutting operations shall take place during the period 1st March to 31st August.

17 a) Before the development is commenced, a detailed lighting scheme and landscape plan including bat mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

b) The scheme approved under a) above shall be implemented in full in accordance with an agreed timescale.

18 a) Before the development is commenced, a scheme for the re-use of excavated topsoil shall be submitted to and approved in writing by the Local Planning Authority.

b) The scheme approved under a) above shall be implemented in full in accordance with the approved details.

19 a) Before the development is commenced, the following full design and construction details of the proposed highway scheme works to connect up with the existing trunk road shall be submitted to and approved in writing by the Local Planning Authority:

i) how the scheme interfaces with the existing highway alignment, carriageway markings and lane destinations;
ii) full signing and lighting details;
iii) confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards);
iv) an independent Stage Two Safety Audit (Stage two to take into account of any Stage One Safety Audit Recommendations) carried out in accordance with current departmental standards (DMRB) and Advice Notes; and
v) future maintenance regime.
b) No part of the link road hereby approved shall be open to traffic until the works approved under a) above have been completed in full in accordance with the approved details.

20 a) Before the development is commenced, a plan for the protection of damage to watercourse and ponds, both during construction works and once the development is complete and including management responsibilities shall be submitted to and approved in writing by the Local Planning Authority.

b) The plan approved under a) above shall be carried out in accordance with the approved details within an agreed timetable.

21 a) Before the development is commenced, a scheme for the provision and management of buffer zones alongside ponds and wetlands shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

i) plans showing the extent and layout of buffer zones (including the establishment of a 5m undisturbed buffer zone free of any development including earthworks around pond 28);

ii) details demonstrating how buffer zones will be protected during development and managed/maintained over the longer term including operation;

iii) details of any footpaths, fencing, lighting etc.

b) The development shall be carried out in accordance with the scheme approved under a) above.

22 a) Before the development is commenced, a scheme for the provision and management of compensatory habitat creation to replace the loss of watercourses/ditches shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the scheme approved under a) above.

23 a) Before the development is commenced, a scheme for the provision of amphibian tunnels shall be submitted to and approved in writing by the Local Planning Authority.

b) The scheme shall be implemented in accordance with the details approved under a) above.

24 a) No development shall take place until details of the
implementation, maintenance and management of a sustainable drainage scheme have been submitted to and approved by the local planning authority. Those details shall include:

i. a timetable for its implementation, and

ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

b) The scheme shall be implemented and thereafter managed in accordance with the details approved under (a) above.

25 a) Before the development is commenced, a scheme to install oil and petrol separators shall be submitted to and approved in writing by the Local Planning Authority.

b) The scheme shall be implemented in accordance with the details approved under a) above.

26 a) Before the development is commenced, a scheme to treat and remove suspended solids from surface water run-off during construction works shall be submitted to and approved in writing by the Local Planning Authority.

b) The scheme shall be implemented in accordance with the details approved under a) above.

27 a) Before the development is commenced, full details for the re-location of the cast iron signpost to Crosby, Formby and Liverpool, including its new location and a specification and method statement for its dismantling and reconstruction, shall be submitted to and approved in writing by the Local Planning Authority.

b) The details approved under a) above shall be carried out in full within an agreed timescale.

28 a) Before the development commences, full details of the partial demolition of the brick wall on Brickwall Lane, including extent of demolition and proposed elevational treatment, shall be submitted to and approved in writing by the Local Planning Authority.

b) the details approved under a) above shall be implemented in accordance with an agreed timescale.

29 a) Before the development is commenced, photographic
and drawing recording of any historic features to be lost (that have been identified in the Cultural Heritage desk based survey) shall be submitted to and approved in writing by the Local Planning Authority.

b) The details approved under a) above shall be carried out in full within an agreed timescale.

30 a) Before the development commences, a Historic Environment Mitigation Report shall be submitted to and approved in writing by the Local Planning Authority.

b) The details approved under a) above shall be carried out in full within an agreed timescale.

31 a) Before the development commences (including geotechnical, geo-chemical site investigations, alteration of existing/new statutory undertakers equipment), a programme of archaeological work in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority.

The written scheme of investigation shall include the following:

(i) an archaeological evaluation;

(ii) an archaeological recording programme informed by the results of the evaluation;

(iii) a programme for post investigation assessment;

(iv) provision for the analysis, publication, dissemination, and deposition of the archive of the site investigations and records.

b) The measures identified and approved under a) above shall be carried out in full within an agreed timescale.
Appendix 5  DfT Funding Letter, and Sefton MBC Response
Dear Mr Waldron,

THORNTON TO SWITCH ISLAND SCHEME – FUNDING APPROVAL AND RECONFIRMATION OF PROGRAMME ENTRY

Following the receipt of your Best and Final Funding Bid dated 22 December 2010 for the above scheme and following the consideration of that bid as set out in the Department’s Spending Review statement “Investment in Local Major Transport Scheme”, this letter confirms that Ministers have agreed to provide Sefton Council, the funding requested, subject to the following conditions and reconfirm Programme Entry for the scheme. This allows your Authority to complete the negotiation of all the remaining legal and procurement processes (but not enter into contractual or other legal commitments) following which a request for Full Approval, or Conditional Approval if procurement has yet to be finalised, can be made. Once Full Approval has been granted the required contractual and other legal commitments can be entered into.

**DfT Funding**

As part of this approval the Department will provide a maximum capped funding contribution of £14.5m towards the estimated total scheme cost of £18.588m. This figure is inclusive of preparatory costs and no further funding will be provided by the Department for this scheme. Should Full Approval of your scheme be granted, funding will be paid as capital grant under Section 31 of the Local Government Act 2003 to an indicative profile to be agreed.

**Terms and Conditions of Funding**

This offer of funding is subject to the following conditions:

i. This funding approval is granted entirely without prejudice to any view that the Secretary of State or other Ministers may take on any future application for statutory powers or in accordance with any other functions.

ii. The scheme must be implemented in accordance with the scheme proposals as set out in your Best and Final Funding Bid, subject to any changes which may
occur as a result of further design or as a result of any remaining statutory procedures. Ministers reserve the right to reconsider their decision on funding if there are any changes to the overall cost, scope or design of the scheme which they consider to be material, particularly where such changes would alter the value for money of the scheme. You must notify the Department immediately of any such material changes.

iii. Ministers also reserve the right to ask for a proportionate review of delivery, procurement and evaluation arrangements before granting Full Approval.

iv. The Department’s contribution will be a maximum of £14.5m. This figure is inclusive of preparatory costs and no further funding will be provided by the Department. Sefton Council is solely responsible for meeting any expenditure over and above this amount.

v. Should this scheme progress to Full Approval, further detailed conditions would apply to any grant payable. These may include matters not yet discussed with you, and may typically include conditions similar to those shown on the attached sheet titled 'Standard Conditions of Grant for DfT Major Schemes'. As set out in these grant conditions it is expected that grant would be claimed quarterly in arrears on the basis of actual work done.

vi. This offer of funding is conditional upon grant being claimed within the Spending Review Period i.e. up to and including 2014/15. Ministers reserve the right to reconsider their decision on funding if, for any reason, including delay to the remaining legal and procurement processes, the timescale for funding of this scheme changes sufficiently such that the grant cannot be claimed in full before 2014/15.

vii. Sefton Council will be solely responsible for the validity of the procurement process for the scheme.

viii. We expect you to keep us closely informed of progress with, and expenditure on, the scheme and it is important that you complete and return quarterly monitoring forms by the due date.

ix. You will be required to carry out a full evaluation of the scheme, the details of which we would wish to discuss with you. We would expect you to make the results of this evaluation available to the Department.

I should be grateful for written confirmation that Sefton Council agrees to these conditions, including certification from your Section 151 Officer that the Council accepts the above terms and conditions.

**Full Approval**

No grant may be claimed until the Department has confirmed Full Approval status for this scheme. Your formal request to the Department for Full Approval will need to include:

- confirmation of the overall cost and scope of the scheme;
• a declaration that you have acquired all the necessary statutory powers to construct the scheme;
• confirmation that you have completed the procurement process to a stage where you have a preferred bidder and a firm and final offer; and
• confirmation from your S151 officer that Sefton Council has the ability to cover all remaining funding required over and above the capped Departmental amount including any additional funding required as a result of the remaining legal and procurement processes.

I look forward to receiving a bid for Full, or Conditional Approval, once any remaining legal and procurement processes have been satisfactorily completed.

Yours sincerely,

Charlie Sunderland
Dear Mr Sutherland

Thornton to Switch Island Scheme
Funding Approval and Reconfirmation of Programme Entry

I refer to your letter of the 4th February 2011, advising that further to submission of the Council’s Best and Final Funding bid for the Thornton to Switch Island Scheme, Ministers have agreed to provide the Council’s funding request. As a consequence the Department for Transport will provide a maximum capped funding contribution of £14.5m towards the estimated total scheme cost of £18.588m. The approval being subject to terms and Conditions as set out in your letter.

I would advise you that on the 3rd March 2011, Sefton’s Cabinet resolved:

i) Noted the Department for Transport’s acceptance of the Council’s Best and Final Funding Bid for the Scheme

ii) Approved the acceptance of the Terms and conditions of the proposed government funding for the scheme.

As requested, the Council’s Chief Executive and S151 Officer for Sefton Council has countersigned this letter to certify the Council’s acceptance of the terms and conditions.

With funding now confirmed the Cabinet also authorized work to fully recommence on scheme delivery and progress to the publication of the Statutory Side Roads and Compulsory Purchase Orders is well advanced and as outlined in the scheme programmes included in the Funding Bid.

I would welcome early indication of the format for the quarterly monitoring procedure.

If you require any further information at this stage please do not hesitate to contact me.

Yours Sincerely

R S Waldron
Assistant Director
(Transport and Spatial Planning)

Mrs M Carney
Chief Executive/Section 151 Officer
Appendix 6  Protected Assets Certificate

The Sefton Metropolitan Borough Council
(Thornton to Switch Island Link Road)
A5758 Broom’s Cross Road
Compulsory Purchase Order 2012

PROTECTED ASSETS CERTIFICATE

(a)  **Listed buildings** – the proposals in the Order will not involve the demolition, alteration or extension of any buildings which have been listed under section 1 of the Listed Buildings Act.

(b)  **Buildings subject to building preservation notices** – the proposals in the Order will not involve the demolition, alteration or extension of any buildings which are the subject of building preservation notices.

(c)  **Other buildings which may be of quality to be listed** – the proposals in the Order will involve the alteration of the following buildings which may qualify for inclusion in the statutory list under the criteria in Planning Policy Statement 5: *Planning for the Historic Environment*, ‘PPS 5’.

   - an historic signpost at the junction of Southport Road (A565) and Long Lane, on the north of Thornton. The sign is to be taken down prior to construction, and then re-positioned within the new highway boundary after construction; and

   - a brick wall running along Brickwall Lane, between Netherton and Sefton Village. A 65m length of the wall will be removed from a total length of 396m.

Consent for the treatment of these assets has been approved under the Thornton to Switch Island Link Road Planning Application, 2010.

(d)  **Buildings within a conservation area** – the proposals in the Order will not involve the demolition of any buildings which are included in a conservation area designated under section 69 (or, as the case may be, section 70) of the Listed Buildings Act.

(e)  **Scheduled Monuments** – the proposals in the Order will not involve the demolition, alteration or extension of any monuments which are scheduled under section 1 of the Ancient Monuments and Archaeological Areas Act 1979.

(f)  **Registered parks/gardens/historic battlefields** – the proposal in the Order will not involve the demolition, alteration or extension of any historic parks, gardens or historic battlefields which are registered under section 8C of the Historic Buildings and Ancient Monuments Act 1953.
Appendix 7  Two Agreements with DfT
Dated 21st December 2011

Highways Act 1980 Section 6

THE SECRETARY OF STATE FOR TRANSPORT

AND

THE METROPOLITAN BOROUGH COUNCIL OF SEFTON

Agreement under section 6(5) of the Highways Act 1980 as to the execution of highway works at the Switch Island Junction at the Dunningsbridge Trunk Road

Highways and Freight Division
General Counsel's Office
Great Minster House
33 Horseferry Road
LONDON SW1P 4DR
SECTION 6 AGREEMENT

THIS AGREEMENT is made as a Deed this day of December 2011
pursuant to section 6(5) of the Highways Act 1980 between the SECRETARY OF STATE FOR TRANSPORT ("the Secretary of State") of Great Minster House 33 Horseferry Road London SW1P 4DR of the one part and THE METROPOLITAN BOROUGH COUNCIL OF SEFTON ("the Council") of Ground Floor, Magdalen House, 30 Trinity Road, Bootle, L20 3NJ of the other part.

WHEREAS:

(a) The Council is proposing to carry out a road improvement scheme at the Switch Island Junction at the Dunningsbridge Trunk Road (A5036) as illustrated on drawing numbers B1286300/B/100/P/030, B1286300/B/100/P/031 and B1286300/B/100/P/032 a copy of which is attached (the "Scheme")

(b) The Council on the 26th January 2011 granted itself planning permission for the Scheme (copy attached) under application number S/2010/1050 ("the Planning Permission")

(c) Part of the Scheme would involve the carrying out of the works to the Switch Island Junction at the Dunningsbridge (A5036) Trunk Road ("the Trunk Road") as shown on the general arrangement drawing number B1286300/B/100/P/031 (copy attached) and more particularly described in the Schedule below ("the Works").

(d) The Secretary of State is the Highway Authority for the Trunk Road and accordingly the Council have requested the Secretary of State to authorise them to construct the Works as agent for and on behalf of the Secretary of State under section 6(5) of the Highways Act 1980.

(e) The Secretary of State pursuant to section 327 of the Highways Act 1980 confirms that the Trunk Road is situated on Crown land and the provisions of the Highways Act 1980 may apply to the Trunk Road.

(f) The Secretary of State confirms that the Trunk Road has not been de-trunked following the works to the Switch Island network system.
(g) The Secretary of State hereby confirms that the land shown coloured blue on
drawing number B1286300/B/100/P/030 is occupied by their Agent the Vehicle
Operator Services Agency ("VOSA")

(h) The Secretary of State has agreed to so authorise the Council to carry out the
Works subject to the terms and conditions of this agreement.

WHEREBY IT IS AGREED:

1. The Council shall carry out the Works as agent of the Secretary of State.

2. The Council shall:
   (a) carry out the Works at its own expense;
   (b) indemnify the Secretary of State against any claims arising under Part
       I of the Land Compensation Act 1973 or any other statutory enactment
       from the use of the Works including the Secretary of State's
       reasonable surveyors and legal costs in dealing with such claims; and
   (c) indemnify the Secretary of State against all costs and expenses
       properly incurred in complying with her legal obligations to insulate
       buildings against noise or in complying with her legal obligations under
       any other statutory enactment arising from the construction of the
       Works and/or the use of the Works.

3. The Council shall pay to the Secretary of State a sum equal to the
whole of any costs and expenses which the Secretary of State may reasonably
and properly incur in relation to the Works and the implementation of this
Agreement including without prejudice to the generality thereof any such costs
and expenses in relation to:

(a) the approval of design work carried out by or on behalf of the Council;

(b) the carrying out of any supervision of the Works;

(c) all administrative and legal expenses including an appropriate sum in respect
of general staff costs and overheads; and
(d) the costs of drafting negotiating and making this agreement.

(2) The sums referred to in this clause include any value added tax which is payable by the Secretary of State in respect of such costs and expenses and for which he cannot obtain reimbursement from HM Revenue and Customs.

4. The Works to be executed and the expenditure to be incurred by the Council in discharge of the functions carried out by it pursuant to this Agreement shall be subject to the prior written approval of the Secretary of State (such approval not to be unreasonably withheld or delayed).

5. The Council shall comply with all reasonable requirements of the Secretary of State as to the manner in which the Works are to be carried out.

6. The Council shall comply with any reasonable directions of the Secretary of State as to the terms of the contract to be entered into by the Council for the purpose of carrying out the Works.

7. The Works shall be completed to the reasonable satisfaction of the Secretary of State and, in particular, they shall be constructed in accordance with the Planning Permission the Manual of Contract Documents for Highway Works and the Design Manual for Roads and Bridges published by the Highways Agency and any amendment to or replacement thereof for the time being in force save to the extent that they are a departure from such standards and have been approved by the Secretary of State. In the event that, for any reason, the Works are not completed to the reasonable satisfaction of the Secretary of State, the Council shall either procure the carrying out of such works as are necessary in order for the Secretary of State to be so satisfied, or the Council shall indemnify the Secretary of State in respect of her costs in carrying out such works. Where the Secretary of State (acting reasonably) considers that it would be impractical to seek to complete the Works, the Secretary of State may require the Council to either procure the reinstatement of the Trunk Roads and other land and premises of the Secretary of State disturbed by the Works to their previous condition or to a good condition, or (at the Council’s election) to pay the Secretary of State’s costs in so doing.

8. The Council shall in the execution of the Works take such precautions for the protection of the public and private interests as would be incumbent upon the
Council if it were the highway authority and the Council shall indemnify the Secretary of State against all claims for damages and compensation which may be brought against the Secretary of State arising out of the construction and/or use of the Works.

9. The parties to this Agreement shall at all times co-operate with each other in order to enable the Works to be carried out promptly effectively and without undue disruption to the existing highway network and in particular shall assist each other in the promotion and publication of any necessary traffic regulation orders and dealing with any other statutory requirements including those of any utility companies.

10. Unless otherwise agreed in writing between the parties hereto this Agreement shall automatically terminate if the Works are not substantially commenced within 4 years of the date hereof OR if the Sefton Metropolitan Borough Council (Thornton to Switch Island Link Road Classified Road) Compulsory Purchase Order 2012 ("the CPO") is not confirmed 7 days after the Secretary of State has received written confirmation from the Council that the CPO has not been confirmed. Such termination is without prejudice to the rights of the parties against each other for any breach of this Agreement which occurred before termination and without prejudice to the liability of the Council to pay any monies due and outstanding to the Secretary of State at the date of termination.

11. The Council agrees to enter into a Network Occupancy Agreement with the Secretary of State to detail the occupancy by the Council's Agents of the Switch Island Network during the Works, the temporary closure on any Trunk Roads, any lane closures and speed limits required for the safety of any operators.

12. After the completion of the Works the Secretary of State and the Council will, subject to the Council obtaining the necessary Council approvals, review the ownerships of the land falling outside any land classed as highway land and where appropriate will agree to enter into a land swap agreement as detailed on Drawing B1286300/B/100/P/032.
13. Any dispute or difference under or arising from this Agreement may be referred to arbitration at the instance of either party by written notice to an independent arbitrator agreed between the parties or, upon failure to agree within 14 days of the aforesaid notice, to a person appointed as arbitrator by the President of the Institution of Civil Engineers at the request of either party. The award or determination of such arbitrator shall be final and binding on the parties.

In witness whereof the Secretary of State has hereunto caused her corporate seal to be affixed to this Deed and the Council has hereunto caused its common seal to be affixed to this Deed the day and year first above written.

SCHEDULE OF WORKS
Thornton to Switch Island

Works to Switch Island

Brief Description of Works for Section 6 Agreement with HA.

As part of the Thornton to Switch Island highway improvement scheme, there is a requirement to make changes to the existing Switch Island junction at the end of the M57 and M58 at Aintree, north of Liverpool.

The existing Trunk Road junction is a roundabout with signals, which forms a junction between the M57, M58, A59 Ormskirk Road and A5036 Dunnings Bridge Road. The existing layout is shown on Drawing number B1266300/B/P/030, and shows that the eastern part of the junction is active, but the western part of the junction is not trafficked, and is currently used by VOSA on an ad hoc basis as an area for carrying out vehicle inspection and enforcement.

As a result of the proposal to link to the new Thornton to Switch Island link road into the Switch Island junction, there is a requirement to amend the junction layout. The east bound carriageway of the link road will create a new signalised junction with Dunnings Bridge Road in the northern part of the junction, the M57 and M58 gain access to the new west bound link via signalised junction in the centre, and the A5036 Dunnings Bridge Road and A59 Ormskirk Road gain access to the new link west bound carriageway via a signalised junction in the southern part of the junction.

There are widening works proposed to lanes on the existing Switch Island junction to create extra capacity that will necessitate alterations to existing signs, carriageway markings and signals, and where necessary alterations to existing Statutory Undertakers Equipment and drainage will also be required. The proposal will also impact on the VOSA operation, and as a result, the central part of the non trafficked section of Switch Island will be extended westwards onto Sefton Council owned land, to provide a replacement facility for VOSA.

Details of the changes to Switch Island are shown on Drawing No B1266300/100/P/031. The works will be designed to the requirements of DMRB, and the construction will be to the requirements of the Specification for Highway Works. Details will be agreed with the Highways Agency and their advisors.

After the works have been completed, it has been agreed that the Highways Agency will De Trunk the western part of the existing trunk road junction, (as shown on Drawing No. B1266300/B/100/0300). Following this, Sefton Council will stop up the existing redundant highway which is located under the proposed extension to the VOSA site.
On completion of the works and subject to the Council obtaining the necessary Council approvals, it is proposed that the areas of De Trunked land owned by DIT outside the VOSA site be transferred to Sefton Council in exchange for Sefton owned land on which the VOSA site extension is located. Details of the land transfer areas are shown on Drawing No B1286300/B/100/P/032.
The Corporate Seal of
THE SECRETARY OF STATE FOR TRANSPORT
hereunto affixed is authenticated by:

Authorised by the Secretary of State

The Common Seal of
THE METROPOLITAN BOROUGH COUNCIL
OF SEFTON
was hereunto affixed in the presence of:

Authorised Signatory
Highways Act 1980 Section 6

THE SECRETARY OF STATE FOR TRANSPORT

AND

THE METROPOLITAN BOROUGH COUNCIL OF SEFTON

Agreement under section 6(6) of the Highways Act 1980 as to the execution of highway works at the Switch Island Junction at the Dunningsbridge Trunk Road.

Highways and Freight Division
General Counsel’s Office
Great Minster House
33 Horseferry Road
LONDON SW1P 4DR
SECTION 6 AGREEMENT

THIS AGREEMENT is made as a Deed this 31st day of January 2012 pursuant to section 6 (5) of the Highways Act 1980 between the SECRETARY OF STATE FOR TRANSPORT ("the Secretary of State") of Great Minster House 76 Marsham Street London SW1P 4DR of the one part and THE METROPOLITAN BOROUGH COUNCIL OF SEFTON ("the Council") of Ground Floor, Magdalen House, 30 Trinity Road, Bootle, L20 3NJ of the other part.

WHEREAS: -

(a) The Council is proposing to carry out a road improvement scheme at the Switch Island Junction at the Dunningsbridge Trunk Road (A5036) as illustrated on drawing numbers B1286300/B/100/P/033, B1286300/B/100/P/034 and B1286300/B/100/P/035 a copy of which is attached (the "Scheme")

(b) The Council on the 26th January 2011 granted itself planning permission for the Scheme (copy attached) under application number S/2010/1050 ("the Planning Permission")

(c) Part of the Scheme would involve the carrying out of the works to the Switch Island Junction at the Dunningsbridge (A5036) Trunk Road ("the Trunk Road") as shown on the general arrangement drawing number B1286300/B/100/P/033 (copy attached) and more particularly described in the Schedule below ("the Works").

(d) The Secretary of State is the Highway Authority for the Trunk Road and accordingly the Council have requested the Secretary of State to authorise them to construct the Works as agent for and on behalf of the Secretary of State under section 6(5) of the Highways Act 1980.

(e) The Secretary of State pursuant to section 327 of the Highways Act 1980 confirms that the Trunk Road is situated on Crown land and the provisions of the Highways Act 1980 may apply to the Trunk Road.

(f) The Secretary of State confirm that the Trunk Road has not been de-trunked following the works to the Switch Island network system.
(g) The Secretary of State hereby confirm that the land shown coloured blue on drawing number B1286300/B/100/P/033 ("the Site") is occupied by their Agent the Vehicle Operator Services Agency ("VOSA")

(h) The Secretary of State has agreed to so authorise the Council to carry out the Works subject to the terms and conditions of this agreement.

WHEREBY IT IS AGREED:

1. The Council shall carry out the Works as agent of the Secretary of State.

2. The Council shall:
   (a) carry out the Works at its own expense;

   (b) indemnify the Secretary of State against any claims arising under Part I of the Land Compensation Act 1973 or any other statutory enactment from the use of the Works including the Secretary of State's reasonable surveyors and legal costs in dealing with such claims; and

   (c) indemnify the Secretary of State against all costs and expenses properly incurred in complying with his legal obligations to insulate buildings against noise or in complying with his legal obligations under any other statutory enactment arising from the construction of the Works and/or the use of the Works.

3. (1) The Council shall pay to the Secretary of State a sum equal to the whole of any costs and expenses which the Secretary of State may reasonably and properly incur in relation to the Works and the implementation of this Agreement including without prejudice to the generality thereof any such costs and expenses in relation to:

   (a) the approval of design work carried out by or on behalf of the Council;

   (b) the carrying out of any supervision of the Works;

   (c) all administrative and legal expenses including an appropriate sum in respect of general staff costs and overheads; and
(d) the costs of drafting negotiating and making this agreement.

(2) The sums referred to in this clause include any value added tax which is payable by the Secretary of State in respect of such costs and expenses and for which he cannot obtain reimbursement from HM Revenue and Customs.

4. The Works to be executed and the expenditure to be incurred by the Council in discharge of the functions carried out by it pursuant to this Agreement shall be subject to the prior written approval of the Secretary of State (such approval not to be unreasonably withheld or delayed).

5. The Council shall comply with all reasonable requirements of the Secretary of State as to the manner in which the Works are to be carried out.

6. The Council shall comply with any reasonable directions of the Secretary of State as to the terms of the contract to be entered into by the Council for the purpose of carrying out the Works.

7. The Works shall be completed to the reasonable satisfaction of the Secretary of State and, in particular, they shall be constructed in accordance with the Planning Permission the Manual of Contract Documents for Highway Works and the Design Manual for Roads and Bridges published by the Highways Agency and any amendment to or replacement thereof for the time being in force save to the extent that they are a departure from such standards and have been approved by the Secretary of State. In the event that, for any reason, the Works are not completed to the reasonable satisfaction of the Secretary of State, the Council shall either procure the carrying out of such works as are necessary in order for the Secretary of State to be so satisfied, or the Council shall indemnify the Secretary of State in respect of his costs in carrying out such works. Where the Secretary of State (acting reasonably) considers that it would be impractical to seek to complete the Works, the Secretary of State may require the Council to either procure the reinstatement of the Trunk Roads and other land and premises of the Secretary of State disturbed by the Works to their previous condition or to a good condition, or (at the Council’s election) to pay the Secretary of State’s costs in so doing.

8. The Council shall in the execution of the Works take such precautions for the protection of the public and private interests as would be incumbent upon the
Council if it were the highway authority and the Council shall indemnify the Secretary of State against all claims for damages and compensation which may be brought against the Secretary of State arising out of the construction and/or use of the Works.

9. The parties to this Agreement shall at all times co-operate with each other in order to enable the Works to be carried out promptly effectively and without undue disruption to the existing highway network and in particular shall assist each other in the promotion and publication of any necessary traffic regulation orders and dealing with any other statutory requirements including those of any utility companies.

10. Unless otherwise agreed in writing between the parties hereto this Agreement shall automatically terminate if the Works are not substantially commenced within 4 years of the date hereof OR if the Setton Metropolitan Borough Council (Thornton to Switch Island Link Road Classified Road) Compulsory Purchase Order 2012 ("the CPO") is not confirmed 7 days after the Secretary of State has received written confirmation from the Council that the CPO has not been confirmed. Such termination is without prejudice to the rights of the parties against each other for any breach of this Agreement which occurred before termination and without prejudice to the liability of the Council to pay any monies due and outstanding to the Secretary of State at the date of termination.

11. The Secretary of State confirm that VOSA will vacate the Site for a period of two months, or such other period as may be agreed between the parties, to enable the Council to carry out the Works following receipt of two month's written notice from the Council requiring VOSA to vacate the Site which shall be served directly on VOSA's Manager Ian Watkins whose address for service of the Notice is Berkeley House Croydon Street Bristol BS5 0DA and the Secretary for State further confirms that the Council may access the Site at any time during the Works, whilst VOSA is in operation, provided that prior to accessing the Site the Council has made arrangement with Ian Watkins regarding the temporary access.
12. The Council agrees to enter into a Network Occupancy Agreement with the Secretary of State to detail the occupancy by the Council's Agents of the Switch Island Network during the Works, the temporary closure on any trunk roads, any lane closures and speed limits required for the safety of any operators.

13. Prior to the commencement of the Works the Council shall provide VOSA with a Programme of Works the contents of which shall include information regarding the vacation period anticipated under clause 11 of this Agreement; thereafter the Council shall provide VOSA with monthly updates to the Programme of Works until such time as the Site is closed or the Works have been completed (whichever is the later).

14. After the completion of the Works the Secretary of State and the Council will, subject to the Council obtaining the necessary Council approvals, review the ownerships of the land falling outside any land classed as highway land and where appropriate will agree to enter into a land swap agreement as detailed on Drawing B1286300/B/100/P/035

15. Any dispute or difference under or arising from this Agreement may be referred to arbitration at the instance of either party by written notice to an independent arbitrator agreed between the parties or, upon failure to agree within 14 days of the aforesaid notice, to a person appointed as arbitrator by the President of the Institution of Civil Engineers at the request of either party. The award or determination of such arbitrator shall be final and binding on the parties.

In witness whereof the Secretary of State has hereunto caused his corporate seal to be affixed to this Deed and the Council has hereunto caused its common seal to be affixed to this Deed the day and year first above written.
Thornton to Switch Island

Works to Switch Island

Brief Description of Works for Section 6 Agreement with VOSA

As part of the Thornton to Switch Island highway improvement scheme, there is a requirement to make changes to the existing Switch Island junction at the end of the M57 and M58 at Aintree, north of Liverpool.

The existing Trunk Road junction is a roundabout with signals, which forms a junction between the M57, M58, A59 Ormskirk Road and A5036 Dunnings Bridge Road, and along side, within the designated Trunk Road area and on a former part of the junction, is a VOSA site which is used as an area for carrying out vehicle inspection and enforcement. The existing junction area is shown on Drawing number B1266300/B/P/033. The eastern part of the junction is the actively trafficked part of the junction, but the western part of the junction is not trafficked, and houses the current VOSA operation. The VOSA site is not in constant use, but operated periodically when inspection and enforcement is being carried out in the area. Entry and exit from the site is via accesses of Dunnings Bridge Road.

As a result of the proposal to link to the new Thornton to Switch Island link road into the Switch Island junction, there is a requirement to amend the junction layout, which will impact on the VOSA site. The east bound carriageway of the link road will travel to form a new signalised junction with Dunnings Bridge Road encroaching onto the northern part of the site, and the M57 and M58 gain will access to the new west bound link via a signalised junction in the centre, encroaching onto the southern part of the site. The A5036 Dunnings Bridge Road and A59 Ormskirk Road will also gain access to the new link west bound carriageway via a signalised junction in the southern part of the current site. As a result of the encroachment onto the current VOSA site, there is a need to provide an equivalent replacement facility.

The new facility will be located in the same location as the current site, but to provide a similar area to the current facility, the site will be extended westwards. The site will be bounded by Dunnings Bridge Road to the east, the new link eastbound to the north, and the new westbound link to the south. Inbound access will remain off Dunnings Bridge Road in a similar location to the current layout, but egress will be onto the new east bound link on its approach to the Switch Island junction, from which all directions can be accessed.

An outline layout of the proposed replacement facilities is shown on Drawing Number B1266300/B/100/P/034. The works will include fencing around the whole site with gated entrance and exit, and paved access routes around the site. The existing weighbridge and the existing storage and welfare facilities
will be relocated, and new paved visitor and parking bays, and Inspection and
Prohibition Bays will be provided. The works will be designed in consultation
with VOSA and their representatives, and details agreed. Where necessary,
alterations to existing Statutory Undertakers equipment and drainage will be
carried out.

There are also widening works proposed to lanes on the existing Switch
Island junction to create extra capacity that will necessitate alterations to
existing signs, carriageway markings and signals on the junction adjacent to
the VOSA facility.

The current VOSA operation is located wholly located within Trunk Road on
land owned by the Department of Transport. As a result of the proposals, the
new VOSA facilities will extend beyond the current western limit of the Switch
Island Junction on to land owned by Sefton Council.

On completion of the works, it has been agreed that the Highways Agency will
stop up the western part of the existing trunk road which is located under the
proposed extension to the VOSA site. Following this, the whole of the non
trafficked section of the Switch island junction (as shown on Drawing No.
B1286300/B/100/P/035) will be De Trunked.

On completion of the works and subject to the Council obtaining the
necessary Council approvals, it is proposed that the areas of De Trunked land
owned by DfT outside the VOSA site be transferred to Sefton Council in
exchange for Sefton owned land on which the VOSA site extension is located.
Details of the land transfer areas are shown on Drawing No.
B1286300/B/100/P/032. Existing Easements and Way leaves will be
maintained.

It has been agreed that VOSA will vacate the site during a two month period
to enable the construction works to be carried out. Sefton Council will provide
one month's notice to VOSA of their intention to carry out the works. Access
onto the site for planning and maintenance purposes before and after
construction will be agreed locally. Five days notice will be provided for any
short term access, unless agreed otherwise.
The Corporate Seal of
THE SECRETARY OF STATE FOR TRANSPORT
hereunto affixed is authenticated by:

[Signature]

Authorised by the Secretary of State

The Common Seal of
THE METROPOLITAN
BOROUGH COUNCIL
OF SEFTON
was hereunto affixed in the
presence of:

[Signature]

Authorised Signatory
Appendix 8 List of Supporting Documents

Thornton to Switch Island Link Environmental Statement Volume 1, May 2010
Thornton to Switch Island Link Environmental Statement Volume 2, May 2010
Thornton to Switch Island Link Environmental Statement Non-technical Summary, May 2010

Planning Application Submission, including Planning Application Form, Planning Supporting Statement and associated Scheme Layout plans.

Non-material Amendment to the Planning Application

Transportation Statement, May 2010

Environmental Assessment Scoping Report, October 2009

Traffic Forecasting Report, April 2010

Thornton to Switch Island Link Major Scheme Business Case, November 2007

Report on Public Consultation and Exhibitions – Winter 2010

Capital Programme 2011-12 Report

Planning Approval Notice S/2012/0009