

## Southport Eastern Access and Maritime Corridor Major Schemes - Land Acquisition

Date of meeting:	Thursday 05 December 2024		
Report to:	Cabinet		
Report of:	Assistant Director Highways and Public Protection		
Portfolio:	Cabinet Member - Housing and Highways		
Wards affected:	Molyneux; Netherton and Orrell; St. Oswald; Dukes; Kew; Norwood		
Is this a key decision:	Yes	Included in Forward Plan:	Yes
Exempt/confidential report:	No		

### Summary:

This report is to seek in principle authority from Cabinet to acquire the necessary land, outside of the ownership of the Council, to enable the construction of Phase 2 of both the Maritime Corridor and Southport Eastern Access Highway Schemes. The additional land, beyond the current highway boundary, is required to provide the additional capacity required at the junctions and the cycle and walking routes that form an essential element of both schemes. Whilst every effort is being made to acquire the land and other interests by negotiation it may be necessary to make a compulsory purchase order (CPO) to acquire the necessary land interest should negotiations not be successful. Cabinet is asked to authorise the in-principle use of compulsory purchase powers. This will be followed in the future by a second resolution formally making the CPOs if necessary.

### Recommendation(s):

It is recommended that Members;

- (1) Agree to the in principle use of compulsory purchase powers under Part XII of the Highways Act 1980 and the Acquisition of Land Act 1981 to secure the compulsory acquisition of the land shown coloured pink on the plan attached at Appendix 1 to deliver the Maritime Corridor Improvements.
- (2) Agree to the in principle use of compulsory purchase powers under Part XII of the Highways Act 1980 and the Acquisition of Land Act 1981 to secure the compulsory acquisition of the land shown coloured pink on the plan attached at Appendix 2 to deliver the Southport Eastern Access Improvements.

## **1. The Rationale and Evidence for the Recommendations**

- 1.1 Members will recall a number of previous reports relating to both the Maritime Corridor and Southport Eastern Access highway improvement schemes. They are the two 'Major Schemes' within Sefton that are contained within the programme of Liverpool City Region Schemes securing funding from the City Region Sustainable Transport Settlement (CRSTS). This is funding secured to deliver transport projects before the end of 2027. The Maritime Corridor scheme also attracts funding from the Levelling Up Fund.
- 1.2 The Maritime Corridor scheme is centred around the mainly industrial space between the A5036 and A59 and aims to improve access to the employment sites for all users. The scheme includes junction capacity improvements, including a new left turn lane into Atlantic Park and a series of improved pedestrians crossing facilities and new cycleways.
- 1.3 The Southport Eastern Access scheme is primarily aimed at reducing congestion at key junctions on the eastern approach to Southport as well as a series of active travel measures. This should benefit visitors and residents. The scheme includes the reopening of Foul Lane and some measures within the Norwood Ward to ensure traffic travels on the main roads.
- 1.4 All major schemes within the CRSTS programme are subject to a Business Case being approved and signed off by the Liverpool City Region Combined Authority (LCRCA). All schemes managed by the LCRCA also need to pass through a further Gateway Assurance process to ensure that all the relevant processes are being complied with and that, adequate resources have been identified to ensure, as far as possible, that the schemes can be delivered within the funding window.
- 1.3 As both schemes involve work at a number of junctions and sections of highways, it has been recognised that not all works can be completed at the same time without causing significant congestion issues. As such a phased programme of activity was recognised as being important.
- 1.4 For each scheme, a first phase was identified that involved land largely within the Council's control that could readily be delivered once the Works contract has been signed. It was recognised that for each project, land would be required and in some cases Planning permission needed where a change of use was required. These elements of work have been identified for delivery as a second phase with implementation towards the end of the funding window when all land and permissions have been secured..
- 1.5 For Maritime Corridor, the Full Business Case was submitted in September 2024 and the technical review is targeted for completed in October. The LCRCA are aiming to recommend approval for the scheme to the CA meeting in November 2024; this should generate a Grant Offer Letter.
- 1.6 As Phase 1 of Maritime Corridor was partly funded from Levelling Up Funding which has a different timeframe for expenditure and is administered by a different government department, a separate Business Case was required to enable this funding to be drawn down. This LUF Business Case was approved and the CA meeting in June 24 approved this funding, together with an element of CRSTS1 to enable the Phase 1 of the works to be

delivered. A Grant Fund Agreement was subsequently received and has been signed. Cabinet approved a recommendation that Council approve the addition of this funding into the Capital Programme in November 2024..

- 1.7 The Procurement Strategy, approved by Cabinet in January 2024, resulted in the appointment of Balfour Beatty, through the Scape Framework, to deliver a Feasibility exercise for the entire Maritime Corridor scheme and undertake Early Contractor Involvement, for the delivery of Phase 1. The appointment of Balfour Beatty for the main construction contract has been delegated to, and approved by the Assistant Director Highways and Public Protection in consultation with the Cabinet Member.
- 1.8 For Phase 2 of the Maritime Corridor scheme a number of strips of land are required. These are largely reflecting both the need to accommodate localised additional carriageway width to improve capacity or scope to accommodate improved footways and cycle tracks. To deliver Phase 2, 27 separate plots are required within 16 different ownerships. There are no buildings on the land required and no property within residential ownership.
- 1.9 Recognising the need to acquire land to accommodate the improvements for both schemes was identified in the initial stages of design, a number of companies have been procured to assist the Council in the acquisition process. A specialist land reference company has confirmed land ownership records and interests, a property agent has made contact with all landowners and begun negotiations with the intentions of agreeing Heads of Terms and a subsequent land value. In addition, an external legal firm has been procured, through a Framework to provide specialist advice as well as assisting the Council with the conveyancing process.
- 1.10 It is hoped that all the land interests can be secured through negotiation. Most of the negotiations have been positive, with parties recognising the benefits of the scheme, but it should be noted that one landowner seemed concerned about a possible negative impact of one element of the Maritime Corridor scheme and was reluctant to progress discussions with the appointed agent.
- 1.11 For Southport Eastern Access, the Full Business Case was submitted in July 2024. It was appraised and approved by the LCRCA at its meeting in September 2024. A Grant Offer Letter for the entire allocation to cover both Phase 1 and Phase 2 will be received once a final gateway assurance process has been completed.
- 1.12 Like the Maritime Corridor scheme, the Procurement Strategy for Southport Eastern access, approved by Cabinet in January 2024, resulted in the appointment of Balfour Beatty, through the Scape Framework, to deliver a Feasibility exercise for the entire Southport Eastern Access scheme and undertake Early Contractor Involvement, for the delivery of Phase 1. The appointment of Balfour Beatty for the main construction contract has been delegated to Assistant Director Highways and Public Protection in consultation with the Cabinet Member.
- 1.13 For Phase 2 of the Southport Eastern Access scheme a number of strips of land are required. These are largely reflecting both the need to accommodate localised additional carriageway width to improve capacity or scope to accommodate improved footways and cycle tracks. To deliver Phase 2, 30 separate plots are required within 13 different ownerships. There are no buildings on the land required and no property within residential ownership.
- 1.14 All the negotiations have been positive and constructive to date, so it is hoped that these negotiations can progress to conclusion.

- 1.15 It is recognised, from experience of other projects where land has been necessary to deliver highway projects, that some landowners may be positive in discussions over land transfer, but may demand unrealistic land values during the latter stages or negotiations if they appreciate the Council is under pressure to ensure delivery,
- 1.16 If necessary, making a Compulsory Purchase Order provides a mechanism for the Council to secure the necessary land and a process for determining a value. Experience on other projects has identified that the Making of an Order, or serving an appropriate notice associated with an order can result in agreement through negotiations progressing at a quicker rate. However, this can be achieved by an initial 'in principle' resolution which can be used to show that the Council is committed to moving ahead with compulsory purchase if required.
- 1.17 On completion of the acquisition of the necessary land, a formal process will be undertaken to formally adopt the land as Highway.
- 1.18 It is recognised that some of the land contained within the CPO Maps isn't designated as highway. The Planning Officer has confirmed that Planning Approval will be required reflecting the change of use. The Pre Application advice has been received and the surveys have been completed to inform the environmental impact of the changes. The Applications are targeted for submission in early December 2024.
- 1.19 It is recognised that a compulsory purchase order can only be made if there is a compelling case in the public interest, which justifies the overriding of private rights and interests in the land to be acquired. The compelling case for both schemes is set out in the submitted Business Cases, one of which has been formally approved and the second which is currently being appraised.
- 1.20 In summary, the schemes will address existing issues in the transport network given the areas can experience traffic congestion particularly at peak hours and on days when significant numbers of visitors travel to the town. The areas also have limited walking and cycling (active travel) links. This can cause traffic delays and air pollution, as well as limiting the accessibility of employment and leisure opportunities for those choosing more sustainable modes of travel. The aim of the schemes is to therefore to tackle these issues and create safe walking and cycling routes whilst also improving traffic conditions. This will enhance safety, the overall public realm and attractiveness of the routes/area. It will also improve connectivity and accessibility, and support economic development and growth in the area.
- 1.21 The schemes would deliver on government objectives at a local, sub-regional and national level, in line with a strategy that seeks to promote economic development and improve accessibility to communities, including via active modes. It is also closely aligned with a number of ongoing developments within the region.
- 1.22 The CPOs trigger consideration of The Human Rights Act 1998 and in particular Article 1 and Article 8. However these rights are "qualified rights"; this means that they do not prevent proposals affecting those rights providing the interference is proportionate and justified. The public authority seeking to affect those rights is obliged to satisfy itself that it has struck the correct balance between the rights of the individuals affected and the public interest in delivering the Schemes.
- 1.23 The Schemes will deliver significant public benefits to the area. In the circumstances, and given that the interests affected by the proposals will be limited, given the scale of the Schemes and the nature of the land interests affected, the Council consider that the proposed CPO would not constitute an unlawful interference with the individuals' property

rights given the overall public benefits which will be delivered if the Schemes are progressed.

- 1.24 Furthermore, the compulsory purchase process clearly provides for those affected to have a right to object to any order being confirmed and this objection will be considered by an independent Inspector appointed by the Secretary of State for Transport. Any objection may also be considered through a public inquiry. Notwithstanding this, any person affected by the proposed orders will be entitled to compensation proportionate to any loss they may incur as a result of their rights or interests being affected by the CPO.
- 1.25 Section 239, 240, 246, and 250 of the Highways Act 1980 will be employed to acquire the necessary land and rights to construct and maintain the Scheme.

## **2. Financial Implications**

- 2.1 The costs associated with the acquisition of land, including payments to landowners and conveyancing and statutory costs will be funded from relevant budgets within the Transport Capital Programme.
- 2.2 The costs of making the CPO, serving the appropriate notices and paying the appropriate Legal and other costs will also be made from the budgets in the Transport Capital Programme.

## **3. Legal Implications**

- 3.1 Brabners have been procured through the North West Legal Consortium to provide specialist advice, draft and check the appropriate Notices, Schedules and Maps and complete the necessary conveyancing in accordance with the Council's processes. They will also support the Council through a Public Inquiry should one be necessary.

## **4. Risk Implications**

- 4.1 Should Members not support the Council making the CPO, land can only be secured through negotiation. Whilst landowners have seemed supportive of the proposals and in some cases Heads of Terms have been discussed and agreed, there is no guarantee that the land transfer will be concluded within the timeframes associated with the funding. This will create a risk to the Council and could result in significant changes to the scope of the work being delivered and the outputs delivered. This may impact on the approvals sought as the GFA will require the LCRCAs to approve any significant changes to the approved scheme.
- 4.2 It is acknowledged that if a formal objection to the CPO is made then the matter will be raised with the Secretary of State who could support the objection or instruct a Public Inquiry which could find in favour of the objector. The strength of the argument for both schemes has been discussed with the Legal Advisor and it is considered in both cases that there is a compelling argument for both schemes which should reduce the risk of an objection being upheld.

## **5 Staffing HR Implications**

- 5.1 The funding secured for both schemes has been based on estimated costs which have included allowances for Legal support, land agent, land referencing costs and the land and associated conveyancing costs. These are set out in the Business Cases for both schemes. The costs also include for Project Management support.

## 6 Conclusion

- 6.1 Having sought Legal advice on the validity of the advice it is considered that the proposed CPO is necessary to facilitate the delivery of both schemes and that the statutory requirements for the use of compulsory purchase powers under the Highways Act 1980 have been met. The Order Lands have been determined to be the minimum needed to deliver both Schemes and the Schemes have both been designed to minimise the impact on those with land interests in the area. Given the significant public benefits that will be achieved with the delivery of the Schemes and the support of local, regional and national policy, it is considered that the use of compulsory purchase powers is necessary and justifiable in the public interest, and this should warrant a first stage 'in principle' resolution to allow the Council to move forward.

## Alternative Options Considered and Rejected

Relying on the securing of all land packages by negotiation has been considered, but this approach has been considered to involve significant risk to the Council in either the land not being secured in the funding window or the Council having to pay significantly in excess of the land value in order to persuade the landowner to sell.

### Equality Implications:

An Equality Impact Assessment has been completed for both schemes. Each assessment has been reviewed and considered in the detailed design process prior to construction. The Council have considered their Public Sector Equality Duty under s.149 of the Equality Act 2010 and will continue to do so throughout the CPO process.

There are no equality implications associated with the land acquisition or CPO process.

### Impact on Children and Young People:

The impact of the schemes on cared for children and care experienced young people was considered as part of the Equality Impact Assessment. Options for positive impacts will be considered in the development of the Social Value commitments that the Contractor will be expected to provide.

### Climate Emergency Implications:

The recommendations within this report will have a Neutral impact.

The construction process will have negative impact in that new materials will be used and there will be a net carbon increase. There will also be a negative impact on traffic movements on the impacted streets whilst works are ongoing. However, the scheme when implemented, will improve accessibility and should encourage people to walk, cycle or use public transport. This should reduce the carbon impact. The scheme is one of a number of schemes currently subject to a Whole Life Carbon Assessment which

will be able to provide a definitive picture.

## **What consultations have taken place on the proposals and when?**

### **(A) Internal Consultations**

The Executive Director of Corporate Services & Commercial (FD7810/24) and the Chief Legal and Democratic Officer (LD.5910/24) have been consulted and any comments have been incorporated into the report.

### **(B) External Consultations**

Consultation on the highway proposals formed part of the wider consultation on The Southport Eastern Access Scheme. This consultation was completed in early 2022 in accordance with the proposals approved by the Public Consultation and Engagement Panel. Further detailed engagement with Ward Members, key stakeholders, residents and business was completed in October 2023. Public Engagement, showing further details of the scheme were undertaken in November and December 2023 and results were appraised, taken into consideration in the design process and will be reported to Licensing and Regulatory Committee in November 2024.

Recognising the importance of ensuring that all Members were fully briefed on the development of the scheme, its phasing, duration, likely implications during construction and ultimate benefits, including social value a briefing meeting was held with Ward Members.

Consultation on the Maritime Corridor scheme was completed in accordance with the proposals approved by the Public Consultation and Engagement Panel in April 2021. Further detailed engagement with Ward Members, key stakeholders, residents and business was completed in September and October 2023 and results appraised. Comments relating to the Phase 1 proposals were summarised in a report to Licensing and Regulatory Committee in November 23. Recognising the importance of ensuring that all members are fully briefed on the development of the scheme, its phasing, duration, likely implications during construction and ultimate benefits, including social value, that the scheme will deliver, a further meeting was held with Ward Members in July 24 and some minor changes to the scope of the works completed.

### **Implementation Date for the Decision :**

Following the expiry of the "call-in" period for the Cabinet decision.

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### **Appendices:**

Appendix 1 - CPO Map for Maritime Corridor

- Appendix 2 - Schedule for Maritime Corridor
- Appendix 3 - CPO Map for Southport Eastern Access
- Appendix 4 - Schedule for Southport Eastern Access

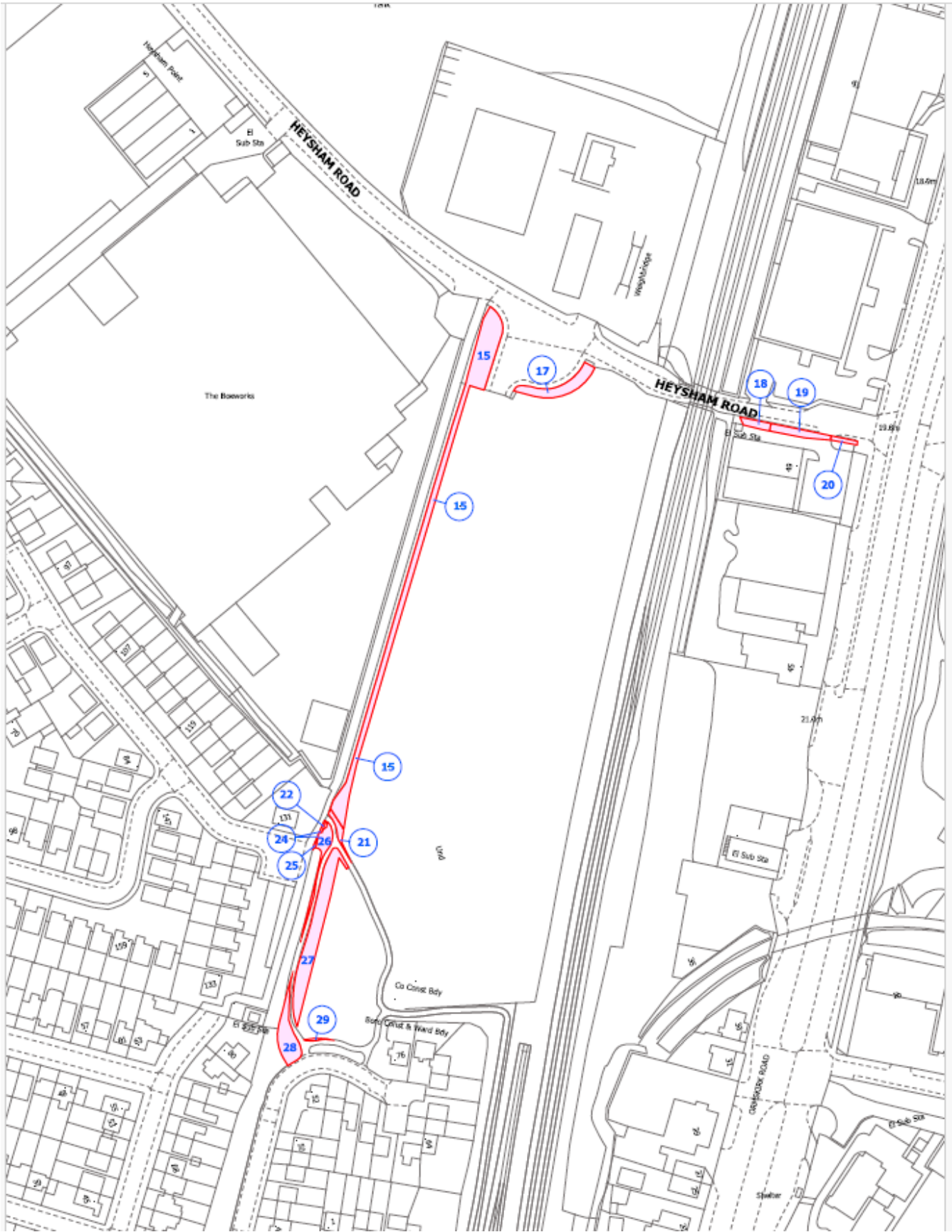
**Background Papers:**

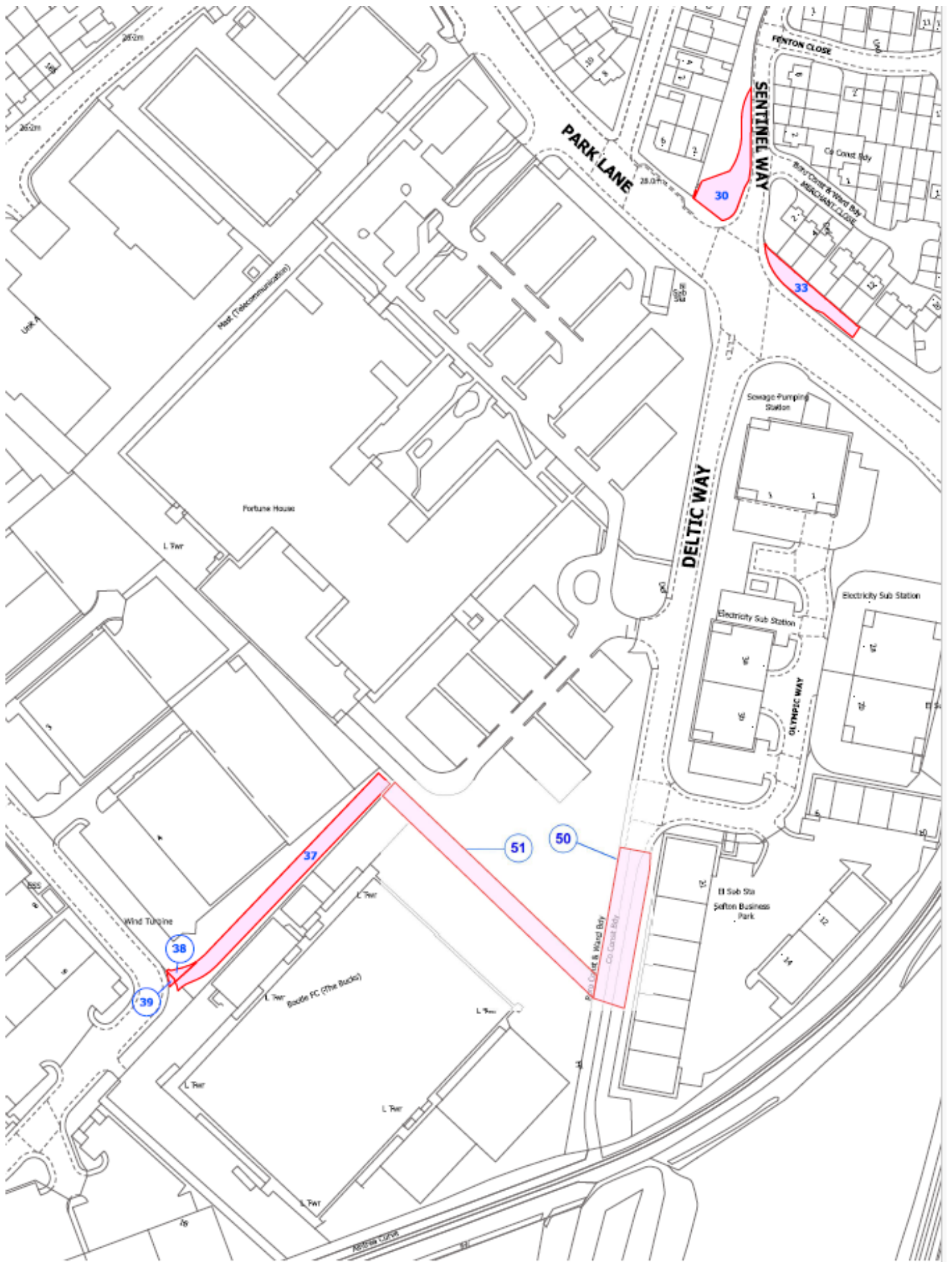
Report to Cabinet October 24 – Maritime Corridor – Receipt of Capital Funding

Report to Cabinet November 24 – Southport Eastern Access – Receipt of Capital Funding

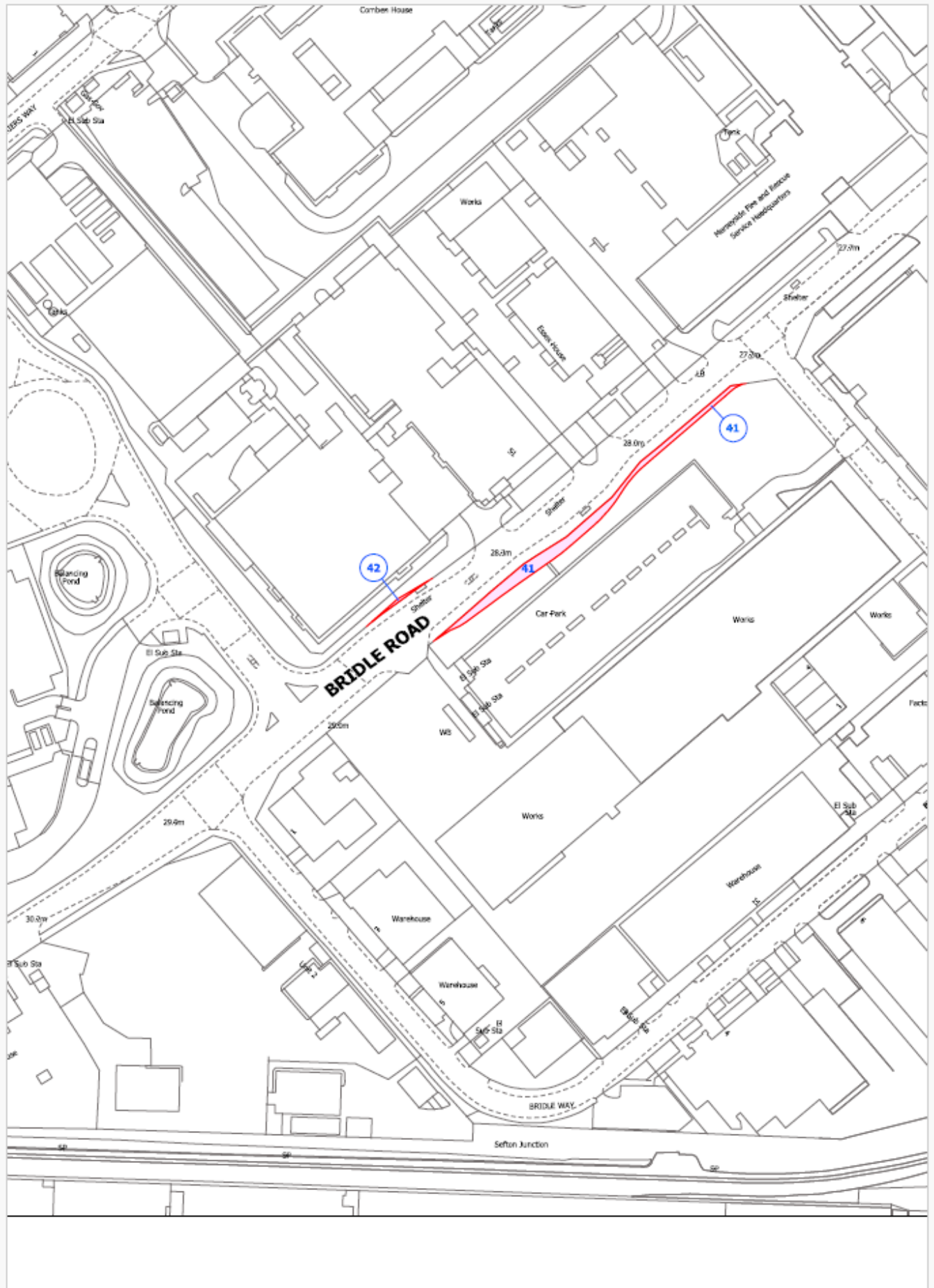
**Appendix 1 - CPO Map for Maritime Corridor**

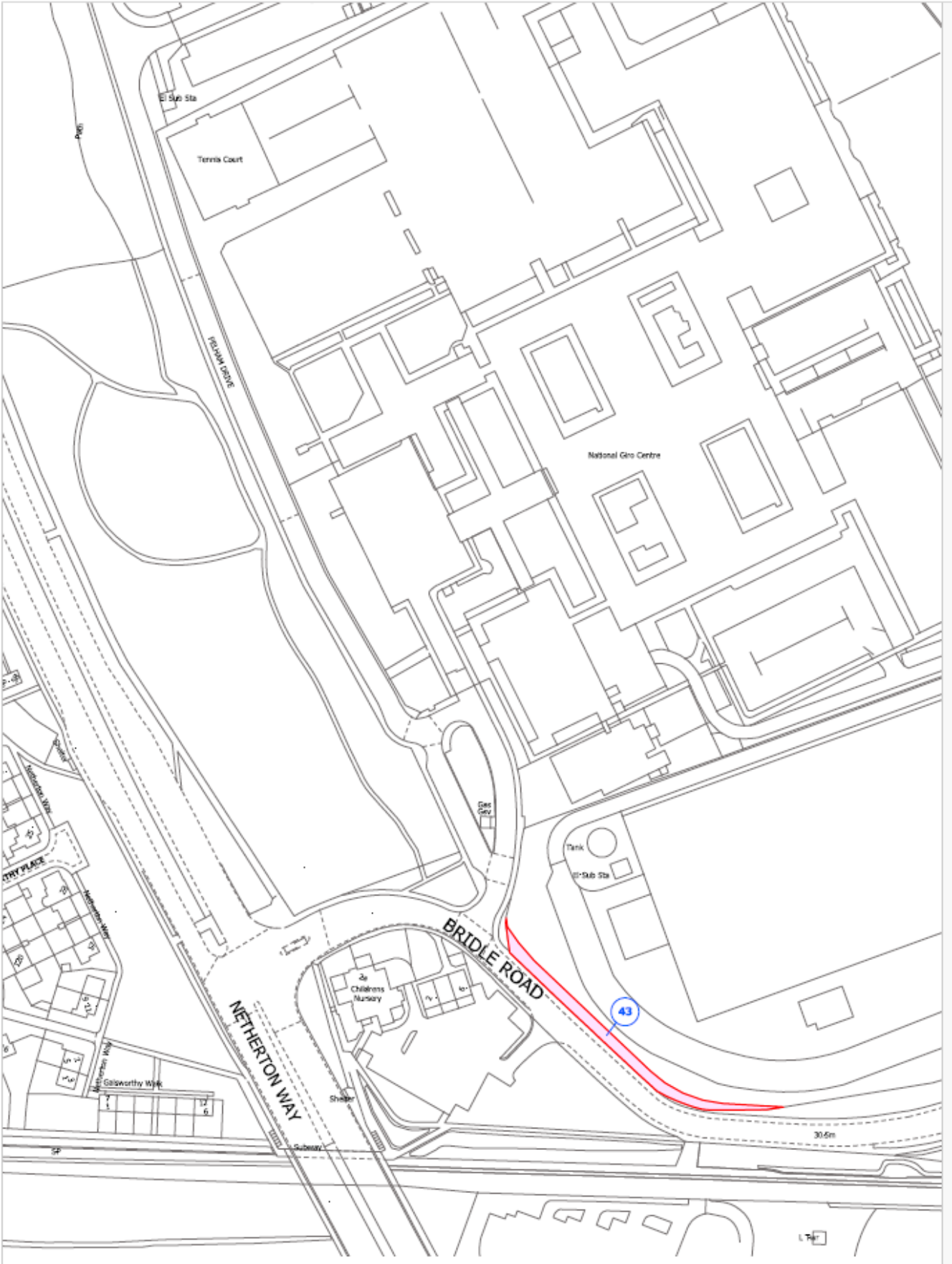












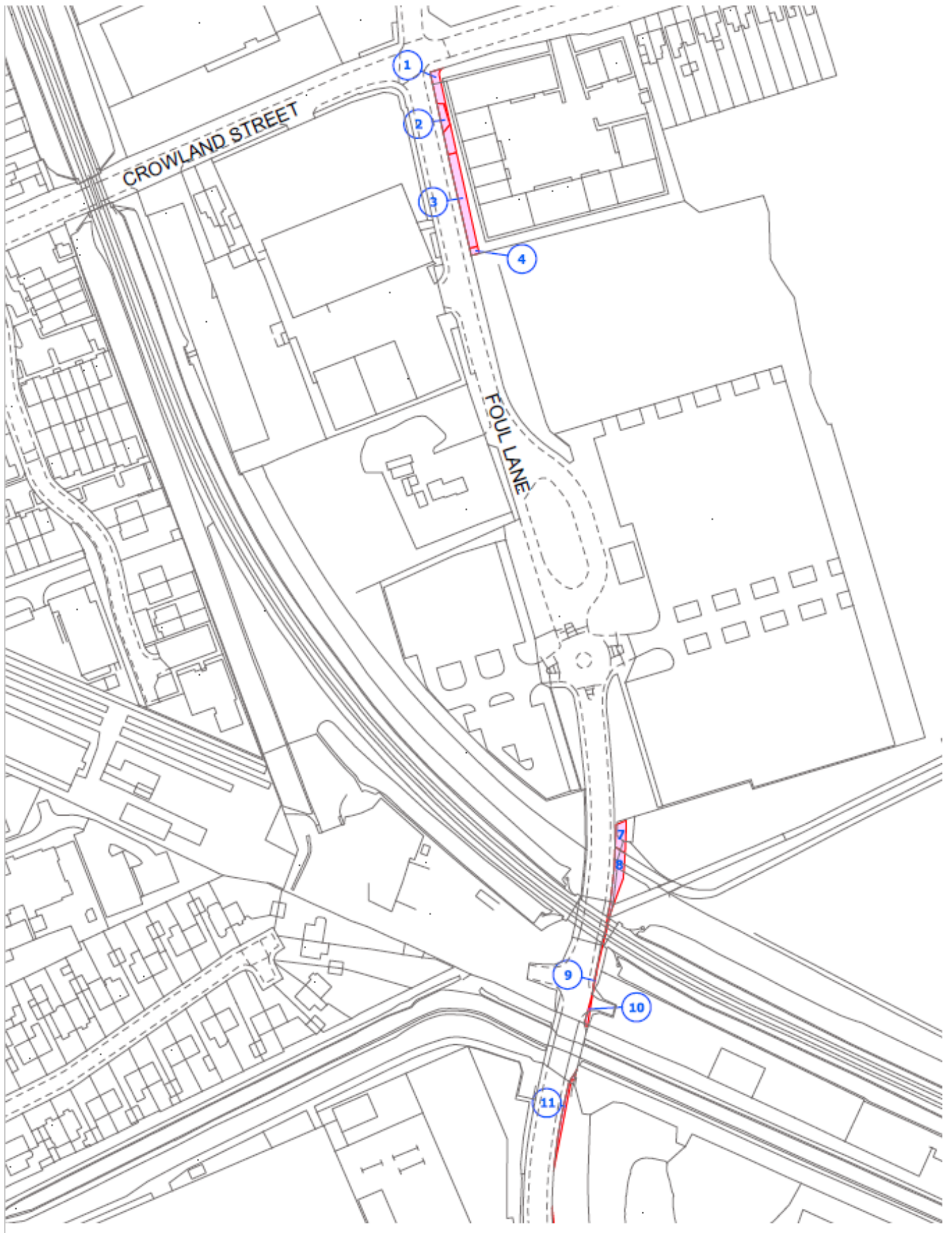
**Appendix 2 - Schedule for Maritime Corridor**

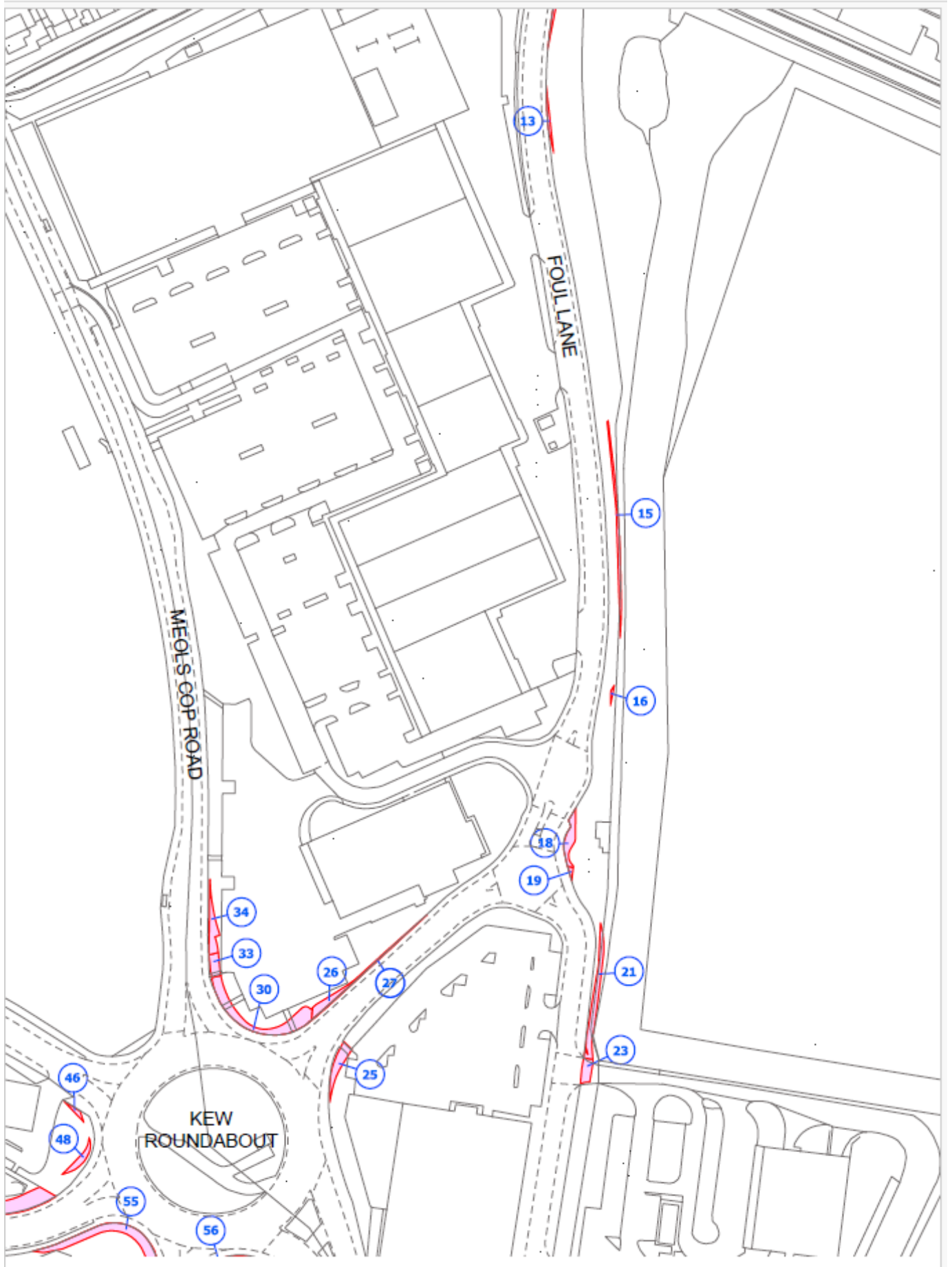
<b>Title Number</b>	<b>Plot Number</b>	<b>Area Size m<sup>2</sup></b>	<b>Interest</b>	<b>Property Description</b>	<b>Party Name</b>
MS298015	15, 17	605, 118	Absolute Freehold	Land on west side of Heysham Road, Aintree	Your Housing Limited
MS376653	21, 26, 27, 28, 29, 30, 33	27, 63, 304, 127, 6, 354, 234	Absolute Freehold	Land at Sentinel Way, Bootle	
MS351752	18	31	Absolute Freehold	Land on the south side of Heysham Road, Aintree	Map Property Investments Limited
MS14257	19	60	Absolute Freehold	Land and buildings on the north west side of Ormskirk Road, Aintree	
MS22453	20	16	Absolute Freehold	Land and building on the west side of Ormskirk Road, Aintree	
MS608193	24	1	Possessory Freehold	Land adjoining Crown Speciality, Heysham Road, Liverpool	Bellway Homes Limited
MS613945	22, 25	4, 4	Absolute Freehold	Land lying to the south of Heysham Road, Bootle	
MS539033	37, 38	633, 24	Absolute Leasehold	Land on the south side of Bridle Road, Bootle	Portfield Investments Limited
MS597366	37	633	Absolute Freehold	Land on the southeast side of Bridle Road, Bootle	
MS600928	38, 39	24, 9	Absolute Leasehold	Unit 4 Vesty Business Park, Vesty Road, Bootle, L30 1NY	Zac Property Limited
MS38529	41	407	Good Leasehold	Land on the south east side of Bridle Road, Bootle	Abbey Commercial Investments Limited
MS534389	41	407	Absolute Freehold	Land on the south east side of Bridle Road, Netherton	Aubrey Weis
MS534389	41	407	Absolute Freehold	Land on the south side of Bridle Road, Netherton	Rachel Weis

<b>Title Number</b>	<b>Plot Number</b>	<b>Area Size m<sup>2</sup></b>	<b>Interest</b>	<b>Property Description</b>	<b>Party Name</b>
MS51951	42	17	Registered Freehold	Land on North West side of Bridle Road, Bootle	CBRE Loan Services Limited
MS684758	42	17	Registered Leasehold	Land on the north side of Bridle Road, Bootle	L51 Developments Limited
MS51951	42	17	Registered Leasehold	Land on the North West Sde of Bridle Road, Bootle	Sunflower Industrial Property Nominee Limited
MS209002	42	17	Registered Leasehold	Land on the north side of Bridle Road, Bootle	The Abbey Group Development Company Limited
MS646598	43	459	Absolute Freehold	Land on the north side of Bridle Road, Bootle	GGC Bridle Road Limited
MS511159	50	680	Absolute Leasehold	Land on the east side of Deltic Way, Bootle	Northern Trust Company
MS520850	51	712	Absolute Leasehold	Land on the south side of Vesty Road, Bootle	Bootle Football Club

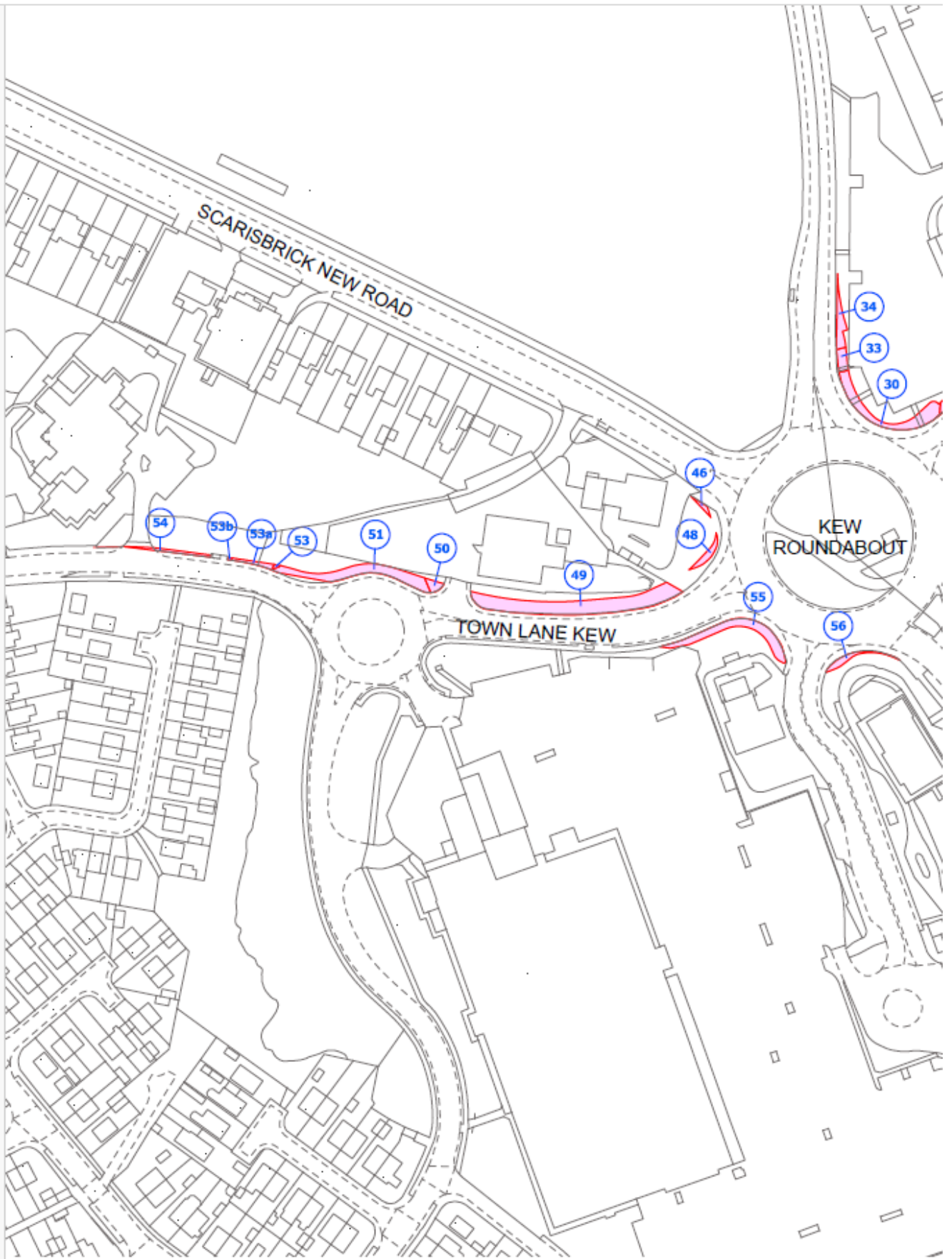


Appendix 3- CPO Map for Southport Eastern Access









**Appendix 4 - Schedule for Southport Eastern Access**

<b>Title Number</b>	<b>Plot Number</b>	<b>Area Size m<sup>2</sup></b>	<b>Interest</b>	<b>Property Description</b>	<b>Party Name</b>
MS401633 MS516169	1 3, 4	108 127,16	Absolute Freehold Absolute Freehold	Land and buildings on the south side of Crowland Street, Southport Land and buildings on the south side of Crowland Street, Southport, PR9 7RJ	L and C Developments (Southport) Limited
MS337402	7	4	Absolute Freehold	Land on the south east side of Crowland Street, Southport	Homes England
MS311078	9, 10	3, 7	Absolute Freehold	Land on the east side of Foul Lane, Southport	Rotunda Group Limited
MS307675	11, 13, 15, 16, 21 23	32, 17, 57, 4, 101 37	Absolute Freehold Absolute Freehold	Land on the east side of Foul Lane, Southport Waste Transfer Station, Foul Lane, Southport	Merseyside Recycling & Waste Authority
MS277457	18, 26, 27, 30, 33, 34	52, 62, 3, 171, 33, 58	Absolute Freehold	Land on the east side of Meols Cop Road, Southport	Bnp Paribas Depository Services (Jersey) Limited (incorporated in Jersey)
MS287386 MS617819	19	6	Absolute Freehold	Land at Foul Lane Southport	Reaper Limited
MS299707	23	37	Absolute Leasehold	Waste Transfer Station, Foul Lane, Southport, PR8 5LA	Veolia Es Merseyside & Halton Limited

<b>Title Number</b>	<b>Plot Number</b>	<b>Area Size m<sup>2</sup></b>	<b>Interest</b>	<b>Property Description</b>	<b>Party Name</b>
MS362904	25	55	Absolute Freehold	Land and buildings on the east side of Meols Cop Road and the west side of Foul Lane, Southport	The Leicestershire County Council
MS343432	25 25	55 55	Absolute Leasehold Absolute Leasehold	Land and buildings on the east side of Meols Cop Road, Southport B & Q Plc, Foul Lane, Southport	B & Q Limited
MS276861	26, 30, 33, 34	62, 171, 33, 58	Absolute Leasehold	Land on the east side of Meols Cop Road, Southport	Aldi Stores Limited
MS276861	46, 48	12, 33	Absolute Freehold	Land on the south west side of Scarisbrick New Road, Southport	Lupo Limited
MS532686	46, 48 46, 48	12, 33 12, 33	Absolute Leasehold Absolute Leasehold	Town Lane Filling Station, Scarisbrick New Road, Southport, PR8 5HL Town Lane Filling Station, Scarisbrick New Road, Southport, PR8 5HL	Malhurst Limited
MS233080	53 49, 50, 51	4 431, 23, 211	Possessory Leasehold Absolute Leasehold	Land on the north side of Town Lane, Southport Land on the north side of Town Lane, Southport	Johnsons Cars Limited
MS564688	53b, 54	2, 30	Good Leasehold	Land on the north side of Town Lane, Southport	Queenscourt Hospice Southport
MS532625 MS619516	55	174	Absolute Freehold	Land and buildings on the south side of Town Lane, Southport	Tesco Aqua (Nominee 1) Limited
MS232186 MS289704	55	174	Absolute Freehold	Land and buildings on the south side of Town Lane, Southport	Tesco Aqua (Nominee 2) Limited

<b>Title Number</b>	<b>Plot Number</b>	<b>Area Size m<sup>2</sup></b>	<b>Interest</b>	<b>Property Description</b>	<b>Party Name</b>
MS234769	55	174	Absolute Leasehold	Tesco Store, Town Lane, Southport	Tesco Stores Limited
MS547321 MS625824	56	32	Absolute Freehold	Land on the west of Scarisbrick New Road, Southport	McDonald's Real Estate LLP
MS311078	56	32	New Lease	Land on the west of Scarisbrick New Road, Southport	McDonalds Restaurants Limited