
Report to: Cabinet

Date of Meeting: 29th March 2012

Subject: Sefton Metropolitan Borough Council (Thornton to Switch Island Link Road) A5758 Broom's Cross Road (Side Roads) Order 2012

Report of: Director of Built Environment

Wards Affected: Park, St Oswald, Netherton and Orrell, Molyneux, Manor, Sudell

Is this a Key Decision? Yes

Is it included in the Forward Plan? Yes

Exempt/Confidential

No

Purpose/Summary

To seek approval to make, advertise and submit for confirmation a Side Roads Order for the proposed Thornton to Switch Island Link.

Recommendation(s)

Cabinet:

- i) That a Side Roads Order be made under Sections 14 and 125 and Schedule 1 of the Highways Act 1980 to be known as the Sefton Metropolitan Borough Council (Thornton to Switch Island Link Road) A5758 Broom's Cross Road (Side Roads) Order 2012 for highway improvements and modifications (described in Annex A) needed for the construction of the proposed new highway, the Thornton to Switch Island Link.
- ii) That the Director of Built Environment, in consultation with the Head of Investment Programmes and Infrastructure, the Head of Planning Services and Head of Corporate Legal Services be authorised to take all necessary steps to secure the making, submission for confirmation and implementation of the Side Roads Order including (but not limited to) drafting and publishing the Statement of Reasons, the publication, advertisement, notification and service of all notices, the investigation of and response to objections, and the presentation of the Council's case at any Public Inquiry.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Jobs and Prosperity	✓		
3	Environmental Sustainability	✓		
4	Health and Well-Being	✓		

5	Children and Young People		✓	
6	Creating Safe Communities	✓		
7	Creating Inclusive Communities	✓		
8	Improving the Quality of Council Services and Strengthening Local Democracy	✓		

Reasons for the Recommendation:

The Side Roads Order for the Thornton to Switch Island Link scheme is required to enable the Council to exercise powers under sections 14 and 125 of the Highways Act 1980 to stop up, improve, divert, raise, lower or alter lengths of highway, to construct new highways for purposes concerned with any such alterations, to stop up private means of access and to provide new private means of access.

What will it cost and how will it be financed?

(A) Revenue Costs

(B) Capital Costs

Cabinet approved the spend profile for the scheme for 2009/10 – 2012/13, totalling £5.912m on the 1st October 2009. The allocations were included in the Capital Programme 2010/11 – 11/12 approved by Cabinet on the 4th March 2010. Revised allocations for 2011/12 – 2012/13 were presented to Cabinet as part of the Capital Programme on 3rd March 2011 and updated in the report to Cabinet on 13th October 2011.

In February 2011, the DfT advised that Sefton Council's Best and Final Funding Bid for the Thornton to Switch Island Link scheme had been approved and that funding for the scheme was confirmed. The funding approval letter confirmed that the DfT will provide a maximum capped funding contribution of £14.5m towards the estimated scheme cost of £18.588m. The contribution will be paid as capital grant under Section 31 of the Local Government Act 2003. The full capital cost of the scheme, including the Government contribution has been included in the Council's capital programme.

All proposed commitments are contained within Council's previously approved allocation in the medium term financial plan and in accordance with the revised funding profile reported to Cabinet on 3rd March 2011.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal Within the Council's Constitution, the Cabinet has a general power of competence to determine all executive functions. Accordingly, the Cabinet has the necessary authority to make the Side Roads Order.
Human Resources
Equality 1. No Equality Implication <input type="checkbox"/> 2. Equality Implications identified and mitigated <input checked="" type="checkbox"/> 3. Equality Implication identified and risk remains <input type="checkbox"/>

Impact on Service Delivery:

What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD1445) and Head of Corporate Legal Services (LD789) have been consulted and any comments have been incorporated into the report.

Are there any other options available for consideration?

Statutory procedures have to be followed to permit the connection of new highways into existing networks and to stop up or divert highways (including footpaths). For the scheme to proceed, the Side Roads Order is a necessary requirement and there is no alternative available.

Implementation Date for the Decision

Following the expiry of the "call-in" period for the Minutes of the Cabinet/Cabinet Member Meeting

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Background Papers:

The following papers are available for inspection by contacting the above officer(s).

Cabinet - 17th May 2007 – Thornton Switch Island Link Scheme – Funding
Cabinet - 15th December 2010 - Thornton Switch Island Link – Best and Final Funding Bid

Planning Committee – 15th December 2010 – S/2010/1050 Thornton – Switch Island Link, Dunnings Bridge Road, Netherton

Letter from Government Office for the North West – 24th January 2011 - Town and Country Planning (Consultation) (England) Direction 2009. Thornton – Switch Island Link, Dunnings Bridge Road, Netherton

Letter from Department for Transport Regional and Local Major Projects Division – 4th February 2011 – Funding Approval and Reconfirmation of Programme Entry

Cabinet - 3rd March 2011 - Thornton to Switch Island Link, Progress Update, Revised Project Management Arrangements, Scheme Programme & Cost Profile

Letter from Sefton Council to Department for Transport – 14th March 2011 – Thornton to Switch Island Scheme, Funding Approval and Reconfirmation of Programme Entry

Cabinet - 13th October 2011 - Thornton to Switch Island Link, Progress Update and Commencement of Detailed Design

CORB – 11th November 2011 – Agreement with the Highways Agency

CORB – 11th November 2011 – Agreement with VOSA

CORB - 13th February 2012 - Agreement with Highways Agency

1. Introduction/Background

- 1.1 A report to Cabinet on the 3rd March 2011 advised Members of the progress of the Thornton to Switch Island Link scheme and provided information about the current programme and spending profile for the scheme.
- 1.2 Members were advised that the Government had accepted Sefton Council's Best and Final Funding Bid for the Thornton to Switch Island Link scheme and that funding for the scheme was confirmed. The Council's medium term capital programme was amended accordingly. In addition, Government Office North West had advised the Council's Planning Department that they did not intend to 'call in' the proposal for a Public Inquiry. Consequently, the Council issued notice of the granting of planning permission on 26th January 2011.
- 1.3 Members were also advised that work had been ongoing on the preparation of a Side Roads Order and a Compulsory Purchase Order for the scheme. A Side Roads Order (SRO) for the Thornton to Switch Island Link scheme is required to enable the Council to exercise powers under sections 14 and 125 of the Highways Act 1980 to:-
- A stop up, improve, divert, raise, lower or alter lengths of highway that crosses or enters the route of the road or is or will be otherwise affected by the construction of the road;
 - B to construct new highways for purposes concerned with any such alterations or for any other purpose connected with the road or its constructions and to close after such period as may be specified in the Order any new highway so constructed for temporary purposes;
 - C to stop up 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;
 - D to provide new private means of access to any such premises.

The Side Roads Order (SRO) will therefore provide for the connection of the new link into the existing highway network, the closure of roads that cross the proposed route and stopping up and diverting footpaths and bridleways. A Compulsory Purchase Order (CPO) is required to give the Council the authority to purchase land and rights for the construction of the scheme and associated works, including the works described in the SRO. In parallel with the development and publication of the draft CPO, negotiations will be undertaken with landowners to try and acquire the land and rights needed for the scheme by agreement.

- 1.4 The preparation of the draft Orders has now been completed and the purpose of this report is to seek approval from Members to make the SRO. **The SRO and plans together with the Statement of Reasons are provided in Annex A, which is available at**

<http://modgov.sefton.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13318&path=13158,13197>

2.0 Description of Side Roads Order

2.1 A Side Roads Order is required for the Thornton to Switch Island Link Road to enable the new road to be linked into the existing highway network. The SRO will, subject to Confirmation by the Secretary of State for Transport, empower Sefton Council to stop up, improve, divert, raise, lower or alter lengths of highway, to construct new highways for purposes concerned with any such alterations, to stop up private means of access and to provide new private means of access, where such works are required as a consequence of the main works.

2.2 The Side Roads Order is made under sections 14 and 125 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 with the road or its construction and to close after such period as may be specified in the Order any new highway so constructed for temporary purposes;

Section 125 of the Act provides that any order made by the Council under section 14 may authorise the Council to:-

- (i) 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;
- (ii) to provide new private means of access to any such premises.

2.3 The Side Roads Order, Schedules and Plans are given in Annex A. The Schedules and Plans provided in Annex A include details of lengths of highway (including footpaths and bridleways) to be stopped up, improved, diverted or raised in connection with the Thornton to Switch Island Link. Details of the lengths of new highway, including footpaths and bridleways, are also given in the Schedules and shown on the Plans. Private means of access to be stopped up and new private means of access being provided are also identified in the Schedules and Plans in Annex A.

2.4 The proposals described in the SRO have been developed in conjunction with individuals or groups affected, including landowners and footpath users, e.g. Sefton Rights of Way Forum.

3.0 Statutory Powers of the Local Authority

3.1 Under the provisions of Sections 14 and 125 and Schedule 1 of the Highways Act 1980, highway authorities, in this case Sefton Council, can be authorised under

the provisions of a Side Roads Order to undertake the works described in Paragraph 2.2 above.

- 3.2 Under the terms of Paragraph 6 of Section 14, 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. For the Thornton to Switch Island Link scheme, a reasonably convenient alternative route is either available or is being provided in all instances where stopping up is proposed.
- 3.3 Under the terms of Paragraph 3 of Section 125, 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 another reasonably convenient means of access to the premises is available or will be provided. For the Thornton to Switch Island Link scheme, a reasonably convenient alternative means of access is either available or is being provided in all instances where stopping up of private means of access is proposed.

4.0 Statement of Planning Position

- 4.1 The Thornton to Switch Island Link proposals are consistent with national policy guidance, Liverpool City Region priorities, the objectives of the Merseyside Local Transport Plan and local planning and transport policies. This position has been tested through Government scrutiny of the business case for the scheme and through the planning application process.
- 4.2 The planning application for the scheme was submitted in July 2010 and considered by Sefton Council's Planning Committee on 15th December 2010. Having carefully considered the relevant planning issues raised by the scheme, the Government Office North West concluded that the Secretary of State's intervention would not be justified and that the decision as to whether to grant planning permission should therefore remain with Sefton Council. Planning permission (ref. S/2010/1050) for the road scheme was subsequently granted on 25th January 2011.
- 4.3 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

5.0 Related Orders

- 5.1 It is proposed that the Sefton Metropolitan Borough Council (Thornton to Switch Island Link Road) A5758 Broom's Cross Road Compulsory Purchase Order 2012 will be made at the same time as this Side Roads Order. The Compulsory Purchase Order is the subject of a separate report to this Cabinet. A Compulsory Purchase Order (CPO) is required to give the Council the authority to purchase land and rights for the construction of the scheme and associated works, including the works described in the SRO. There are no other orders associated with these proposals.

6.0 Financial Implications

- 6.1 The Head of Corporate Finance and ICT comments that the financial implications of the report for the Council are that capital expenditure of £10k will be incurred in making, advertising and submitting the Side Roads Order, as indicated above, and will be financed from the Council's own resources that have been previously included in the capital programme.

7.0 Conclusions

- 7.1 The Council has been promoting this scheme for many years and there is overwhelming public support for the scheme, as demonstrated by the public consultations undertaken over recent years. The scheme has planning permission and funding approval. It is important that the Council acquires the land and rights necessary and powers needed for the construction of the scheme and its connection with the existing network and the publication of the SRO is the next stage in this process.