

<b>Report to:</b>	Cabinet	<b>Date of Meeting:</b>	Thursday 14 January 2016
<b>Subject:</b>	A565 North Liverpool Key Corridor Scheme - Compulsory Purchase Orders	<b>Wards Affected:</b>	Linacre;
<b>Report of:</b>	Head of Locality Services - Commissioned		
<b>Is this a Key Decision?</b>	Yes	<b>Is it included in the Forward Plan?</b>	Yes
<b>Exempt/Confidential</b>	No		

### **Purpose/Summary**

This report is to seek authority from Members to make the Sefton Metropolitan Borough Council (A565 Highway Improvements/Regent Road) Compulsory Purchase Order 2016.

Members will be aware from previous reports that the A565 North Liverpool Key Corridor Major Scheme is being progressed by the Council and Liverpool City Council and as part of the proposals the A565 Derby Road, from its junction with Millers Bridge in Sefton to Bank Hall Road in Liverpool will be dualled. In order to carry out the works it will be necessary to acquire land outside the ownership of the Council and whilst negotiations are ongoing to acquire the land and other interests it is considered necessary to make a compulsory purchase order to acquire those areas of land in Sefton which are necessary to achieve the works to enable acquisition should negotiations not be successful.

### **Recommendation(s)**

- (1) That the Sefton Metropolitan Borough Council (A565 Highway Improvements/Regent Road) Compulsory Purchase Order 2016 be made under Section 239 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.
- (2) That the draft Statement of Reasons for making the said Order be approved and the Head of Locality Services - Commissioned in consultation with the Head of Regulation and Compliance be authorised to finalise the Statement of Reasons for making the Order based on the attached draft.
- (3) That the Head of Locality Services - Commissioned in consultation with the Head

of Regulation and Compliance be authorised to make if necessary, minor or technical amendments to the Compulsory Purchase Order boundaries as shown on the plan at Appendix 1.

- (4) That the Head of Regulation & Compliance be authorised to seal the Order and take all necessary and ancillary steps, including the publication and service of all statutory notices and the presentation of the Council’s case at any public inquiry to secure the confirmation of the Compulsory Purchase Order by the Secretary of State.
- (5) That the Head of Regulation & Compliance, once the Order has been confirmed, be authorised to take all necessary steps, including the publication of any notices to secure the vesting of the land in the Council, including as necessary the making of any General Vesting Declaration under the Compulsory Purchase (general vesting Declarations) Act 1981 or to serve notices to treat and notices to enter pursuant to the Compulsory Purchase Act 1965 or any legislation replacing or amending the same.
- (6) That the Head of Locality Services - Commissioned be authorised to confirm the Order in the event that the Secretary of State notifies the Council that it has been given the power to confirm the Order if it is still considered appropriate to do so.

**How does the decision contribute to the Council’s Corporate Objectives?**

	<b><u>Corporate Objective</u></b>	<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
1	Creating a Learning Community		x	
2	Jobs and Prosperity	x		
3	Environmental Sustainability	x		
4	Health and Well-Being	x		
5	Children and Young People		x	
6	Creating Safe Communities		x	
7	Creating Inclusive Communities		x	
8	Improving the Quality of Council Services and Strengthening Local Democracy		x	

## **Reasons for the Recommendation:**

Liverpool City Council, as the scheme's sponsor, have determined a programme for delivery of the scheme to link with other proposed Key Corridor works within and around the Liverpool city centre. They have also committed to achieving indicative spend targets of the Liverpool City Region Growth Fund within 2016/17 and 2017/18. In order to achieve the programme, the City Council has determined that Compulsory Purchase Orders will need to be served on affected properties along the corridor in order to ensure that any land necessary to deliver the Scheme, the dualling of the A565, can be secured within the proposed programme. Whilst negotiations are ongoing with landowners affected by the proposals both within Sefton and Liverpool areas, the tight timescales involved mean that it is necessary to make the proposed Order to secure the land. Liverpool City Council will also be progressing its own compulsory purchase orders in tandem with the Council to ensure that any land required within the Liverpool area can also be delivered to meet the programme.

Liverpool City Council will be taking a report to its Cabinet in January 2016 seeking authority to make two compulsory purchase orders which will cover the remaining areas of the A565 at Derby Road and Great Howard Street, Liverpool which will form the remainder of the Scheme.

The recommendation to make the compulsory purchase order is in line with the recommendations and considerations set out in the previous report to Members dated the 3<sup>rd</sup> September 2015.

## **Alternative Options Considered and Rejected:**

The Scheme could be delivered as two separate projects, one in Liverpool and the other in Sefton. However, it is clear that the traffic management and control measures necessary for each part of the Scheme would impact greatly on traffic movements within the neighbouring district and, as such, the adjacent works would need to be very carefully programmed and managed.

As set out in the previous report, it is considered sensible that the project should be delivered as one Scheme, phased to minimise disruption and delivered and managed by Liverpool given that they submitted the original project to the Liverpool City Region.

Notwithstanding this, both the Council and Liverpool have entered into a memorandum of understanding which deals with project management on the delivery of the Scheme as well as progressing any necessary compulsory purchase orders. Sefton will therefore retain all necessary controls over works which may take place within the Council's area.

It is also considered important the Scheme is delivered as one project given that the benefits which will be likely to accrue as a result of the delivery of the Scheme are largely dependent on the Scheme being brought forward in its entirety. These benefits are dealt with in more detail below.

**What will it cost and how will it be financed?**

**(A) Revenue Costs**

None

**(B) Capital Costs**

The entire scheme cost, including land acquisitions, is estimated as **£24,827m** The Council's contribution to this cost, including the acquisition of land to deliver the Scheme has been identified as **£1,989m**.

Following a recommendation from Cabinet, the Council has included this Scheme in the Capital Programme 2016/2017 as a priority against available resources.

Funding to the deliver the Scheme insofar as it is within Sefton's area has therefore been committed subject to successfully securing funding from the Liverpool City Region Local Transport Body to deliver the project with the benefit of major transport scheme funding.

At its Cabinet meeting on the 7<sup>th</sup> August 2015 Liverpool City Council also committed the necessary funding to deliver the Scheme within the Liverpool area.

Accordingly, subject to grant funding being confirmed, there is funding in place to deliver the Scheme should any compulsory purchase orders be confirmed.

**Implications:**

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

<b>Financial</b>	
<b>Legal</b> The Head of Regulation and Compliance will complete the necessary process to serve and administer the notices'	
<b>Human Resources</b>	
<b>Equality</b>	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

**Impact of the Proposals on Service Delivery:**

None

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

The Head of Corporate Finance and ICT (FD.3952/15) notes that the scheme can only progress once funding from the Liverpool City Region Growth Fund has been formally confirmed. Provision within the Capital Programme for 2016/17 and beyond to cover Sefton's share of the cost (estimated in total to be £1.989m) has been made.

The Head of Regulation and Compliance (LD.3235/15) have been consulted and any comments have been incorporated into the report.

## **Implementation Date for the Decision**

Following the Expiry of the Call In Period

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**Contact Officer:** Andrew Dunsmore

Tele: 0151 934 2766

**Email:** [andrew.dunsmore@sefton.gov.uk](mailto:andrew.dunsmore@sefton.gov.uk)

## **Background Papers:**

None

## **1. Introduction/Background**

- 1.1 Coordination of strategic investment for transport is now undertaken at City Region level, through the Combined Authority, together with the Local Enterprise Partnership. The Liverpool City Region (LCR) Growth Plan was submitted to Government in December 2013. In summer 2014 Government announced £232.3m of funding for the City Region over the next 6 years.
- 1.2 Investment in transport infrastructure element of the Growth Plan consists of approximately £120m for 13 major transport schemes and this also includes requirements for approximately 10% contribution to be provided locally.
- 1.3 The North Liverpool Key Corridor scheme is one of the 13 major projects within the Growth Plan. This project consists of improvements to the A565 corridor through North Liverpool and into Sefton, to be delivered in three phases between 2016/17-2018/19.
- 1.4 This scheme consists of three elements, the dualling of the two remaining sections of single carriageway along the A565 between Seaforth and Liverpool and improvements to the parallel Regent Road corridor to improve facilities for walking and cycling. The part of the scheme most relevant to Sefton is the dualling of a section of the A565 from Millers Bridge to Bankhall Street, part of which is located within Sefton.
- 1.5 There will be a requirement for some land acquisition on the eastern side of the A565 to enable the widening, but no buildings are affected on the section within Sefton.
- 1.6 In order to deliver the Scheme it is expected that three compulsory purchase orders will be made. Two will be within the Liverpool Area whilst the third, the subject of this report, will be in Sefton.
- 1.7 The Liverpool Orders proposed are:
  - (i) The Liverpool City Council (A565 Highway Improvements Phase I) Compulsory Purchase Order 2016 which will deal with the acquisition of land and other interests on the eastern side of the A565, known as Great Howard Street, from its junction with Leeds Street and running in a northerly direction to Blackstone Street.
  - (ii) The Liverpool City Council (A565 Highway Improvements Phase II) Compulsory Purchase Order 2016 which will deal with the acquisition of land and other interests on the eastern side of the A565, known as Derby Road, from the junction with Bankfield Street to Bedford Place.
- 1.8 Bedford Place forms the boundary between the Council's area and Liverpool's administration.

## 2. Scheme Details

- 2.1 The Scheme forms part of a package of measures which form part of the North Liverpool Key Corridor (NLKC) improvement scheme. This is a package of measures which aspire to unlock the potential for development and investment in the north Liverpool region whilst seeking to deal with the causes of congestion along the A565 corridor whilst improving east/west movement across the A565.
- 2.2 The A565 is the key route through the north of Liverpool, the port of Liverpool and into Sefton and its upgrade has been an aspiration for many years both for Liverpool and the Liverpool City Region and has its basis in the first local transport plan for Merseyside. Originally the proposals formed part of the Atlantic Drive highways improvement Scheme. This was to be delivered in six phases with the current Scheme forming phases 5 and 6. Phases 1 to 4 have been delivered.
- 2.3 Given the associated problems with the current layout of the A565 in the area affected by the Scheme and the potential to unlock a number of key benefits, the Scheme is still considered to be a key priority in the North Liverpool area.
- 2.4 Appendix 4 shows the proposed works within the Sefton area whilst Appendix 1 shows the areas of land which will need to be acquired to deliver the Scheme within Sefton.
- 2.5 The key features of the modifications within Sefton are as follows;
  - The Central reserve which currently extends from the Millers Bridge junction to the south of the junction with Douglas Place will extend to the Sefton/Liverpool boundary.
  - Access to Princes Street, Bedford Place, Dacre Street and Raleigh Street will be 'left in – left out' only. (Access to Douglas Place, Howe Street and Effingham Street is currently already left in left out).
  - The junction of the A565 and Millers Bridge will have the right turn re-instated.
  - The new alignment provides space for the right turn to be easily accommodated without having an impact on through traffic.
  - No land is required on the western side of the junction and the footway will remain largely as existing.
  - Land is required on the eastern side of the road to accommodate the additional carriageway width that the widening involves. No buildings are required within Sefton – most of the land is either soft and hard landscaping, car parking, or undeveloped redundant former industrial land

- 2.6 Taken as a whole, the Scheme will deliver the dualling of the A565 from Millers Bridge through into Liverpool to the main junction at Leeds Street. Once delivered it will remove two existing “bottlenecks” which currently exist where the A565 has not been dualled between Millers Bridge and the junction with Bankhall Street moving south within Liverpool and between the Leeds Street Junction in a northerly direction to the junction with Blackstone Street

### **3. Location and Description of the Order Lands**

- 3.1 All of the land affected by the proposed order lies to the eastern side of the A565 Derby Road, No residential properties are directly affected by the proposals and although Douglas Place is in close proximity to the dualling works the access to and egress from Dougal Place is already directly onto a dual carriageway. Furthermore, no buildings will need to be acquired or otherwise directly affected to deliver the Scheme within the Council’s area

- 3.2 The land and interest which need to be acquired are set out in detail in the Schedule attached at Appendix 2. The Schedule includes land which is already in the Council’s ownership but has been included to ensure that any third party rights which may be claimed over the land are acquired as part of this process. The land outside the Council’s control which needs to be acquired includes;

- Approximately 357 square metres of land at 319 to 327 (odd) Derby Road
- Approximately 72 sq metres of land at 319 to 327 (odd) Derby Road adjoining Bedford Place
- Approximately 53 sq metres of land at 319 to 327 (odd) Derby Road adjoining Princess Street
- Approximately 457 sq metres of land at 275 Derby Road
- Approximately 34 sq metres of land 265 Derby Road (currently adopted highway but with subsoil in third party ownership)
- Approximately 283 sq metres of land at 255-265 Derby Road (being part adopted and part unadopted highway)
- Approximately 75 sq metres of land at 257-265 Derby Road currently in unknown ownership
- Approximately 82 sq metres of land at the junction of Derby Road and Douglas Place (currently unadopted highway)
- Approximately 9 sq metres of land at Douglas Place and tho the north of 255 Derby Road

- 3.3 It will also be necessary to acquire temporary rights over land to provide for working space associated with the Scheme. Once the works are complete the land will, where necessary, be reinstated and the Council’s rights over the land will cease. Rights will need to be acquired over;

- Approximately 283 sq metres of land at 319 to 327 (Odd) Derby Road
- Approximately 64 sq metres of land at 319 to 327 (odd) Derby Road adjoining Bedford Place
- Approximately 279 sq metres of land at 275 Derby Road



## **4.0 The Planning Position**

- 4.1 The works that need to be carried out to deliver the Scheme which underpins the proposed compulsory purchase order has the benefit of permitted development rights as defined by the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 9. This is the case for all of the proposed dualling works along the A565 in both the Council's and Liverpool's area

## **5.0 Purpose and justification for the use of compulsory purchase powers**

- 5.1 Section 239(3) of the Highways Act 1980 enables a highway authority to acquire land required for the improvement of a highway. These powers are subject to distance limits in that the extent of the land which the highway authority is proposing to acquire must be no more than 220 yards (201 metres) from the middle of the highway or proposed highway. In the present case the proposed works and the acquisition of necessary land and interests will all take place within this limit.
- 5.2 Currently the areas covered by the Scheme and which demonstrate the need for the compulsory purchase powers consist of part of the A565 which runs in a generally north-south direction between Sefton and Liverpool within north Liverpool. The route has been identified as a strategic transport route which enables access to the regional and national transport routes including the M57, M62 and the M6. Although much of the route has already been dualled the areas which form the subject of the Scheme have not been dualled. Although they formed part of the original proposed Atlantic Drive concept, which has a package of measures to improve the A565 amongst other things, as far back as 1994, they are yet to be improved.
- 5.3 The failure to deliver the dualling of the Scheme area, which originally formed phases 5 and 6 of the Atlantic Drive proposals (with phases 1-4 having already been delivered) has led to a number of identified problems associated with the route. The proposals are to complete this dualling and enable the delivery of the benefits identified below.
- 5.4 This is of immediate concern given that north Liverpool area has been identified as an area for potential growth both in terms of employment opportunities and investment.
- 5.5 The need to deliver the Scheme has been highlighted by the current congestion issues along the A565. These were identified in particular by a report commissioned by Liverpool City Council in 2009. This report, A565 Great Howard Street Improvements Option Appraisal 2009 and produced by Liverpool 2020, identified that congestion was identified along the A525 route and this was likely to be exacerbated by anticipated traffic growth from 2008-2023. This congestion affected the flow of traffic along the A565 and highlighted the need for change and that the proposed dualling along the A565 would result in improved journey times along the corridor.

- 5.6 A further review by Mott MacDonald in 2015 , to assist and support the case for funding to the Liverpool City Region Local Transport Body, confirmed the congestion issues and anticipated future problems and that the two un-dualled parts of the A565 acted as “bottlenecks”. Around 25000 vehicles use the A565 weekly with up to 2500 vehicles using the route at peak times. The Liverpool Waters development and the SuperPort developments will only add to the identified traffic problems, whilst the existing congestion will deter future investment and development in the area. It is anticipated that traffic increase in the area could be around 30% on current levels by 2024 with a change in the nature of the traffic to more freight given the strategic nature of the route and the local developments (Mott MacDonald).
- 5.7 The traffic issues are also compounded by the nature of existing junctions, which tend to deter east west movements across the A565 for both vehicular traffic and pedestrians or cyclists. Whilst the A565 remains a “barrier” it introduces a further deterrent to investment in the area whilst discouraging sustainable forms of transport; congestion and travel delay encourages private transport use at the expense of public transport; increased traffic and delays increases pollution to the detriment of the environment; traffic management which does not support pedestrians or cyclists pushes them to alternative transport modes (usually vehicular).
- 5.8 The area is also visually “poor” which adds to a negative perception of the area in terms of securing investment opportunities. The Scheme will provide opportunities to improve the public realm in the area and bring about positive change.
- 5.9 Added to this are the issues relating to the delivery of economic and social improvements to the Liverpool City Region, particularly in the north Liverpool area. The northern part of Liverpool is currently affected by a number of issues which have identified it as being towards the top of national deprivation tables. Encouraging new investment into this area will have a benefit to the Liverpool city region retaken as a whole whilst also enabling connection between the communities in north Liverpool to south Sefton, Liverpool city centre and beyond. Without the necessary infrastructure to encourage this development opportunity will be lost. Unlocking the potential to develop existing and future sites by improving the A565 is essential
- 5.10 Against these issues, a significant number of benefits can be identified if the Scheme is delivered.
- Improved capacity on the A565 to accommodate freight, commuter and other traffic
  - Improvements to journey time and reliability
  - Improved pedestrian and cyclist access through and across the A565 corridor
  - Improved junction arrangements along the strategic route
  - Unlocking development opportunities along the corridor.

- 5.11 At its simplest level the improvements proposed by the Scheme will deliver an improved capacity to the strategic road network at the A565 and will encourage investment into the area and improved use of existing facilities.
- 5.12 There will be opportunities to encourage sustainable transport and it is anticipated that the reduction in congestion will improve the environmental impact of the road use in this area. Overall, the permeability of the A565 corridor will be improved; public realm improvements, including street lighting and paving as well as cycling facilities will help tackle current problems in the area. East/West links, across the A565 will also be improved for all forms of transport.
- 5.13 Whilst the primary identifiable business opportunities relate to North Liverpool, the general benefits to the A565 will be of direct benefit to the Council's area and the economic benefits will, at the very least, have an overall benefit to the larger regional issues supported by the Council. Environmental and economic benefits, in the form of promoting sustainable transport will be enhanced by the proposals whilst in real terms, the prospects of economic benefits will be increased through improved access between Liverpool and Sefton and to national and regional routes which will increase the attractiveness of the area to potential developers and investors.
- 5.14 In the balance, there is a very limited anticipated land acquisition involved in this project to deliver the Scheme within the Council's area and the land affected does not include any residential property nor does it directly affect any building. There is also compensation available to any person whose land or occupation of land is directly affected by the proposals.
- 5.15 Although the proposed CPO in Sefton only relates to part of the Scheme, it is important given the above to appreciate that it is an integral part of the Scheme given that it provides for the removal of a key bottleneck and the wider proposals involving Regent Street, albeit outside the compulsory purchase order, add to the benefits that the Scheme can deliver.

## **6.0 Circular 06/04 Compulsory Purchase and the Criche Down Rules**

- 6.1 Although not specifically related to highways compulsory purchase orders this circular provides general guidance to authorities in England on compulsory purchase orders and the approach to be taken in determining whether or not an order should be confirmed. The guidance was updated in October 2015. The guidance confirms that "compulsory purchase powers are an important tool for local authorities ...to use as a means of assembling land needed to help deliver social and economic change. Used properly they can contribute towards effective and efficient urban...regeneration, the revitalisation of communities and the promotion of business – leading to improvements in quality of life"
- 6.2 Making the CPO in respect of the current proposals would clearly support this approach given the benefits that will accrue should the Scheme be delivered.

- 6.3 The basic principle underpinning any CPO is set out at paragraph 12; “A compulsory purchase order should only be made where there is a compelling case in the public interest”.
- 6.4 As set out above, there are clear problems associated with the ongoing operation of the A565 but, given the strategic significance of the route its continued use is not in question. Furthermore, not delivering improvements to the route will exacerbate current problems and prevent possible solutions and benefits coming forward to the benefit of the immediate locality, the use of the strategic corridor and the north Liverpool area as well as having an impact potentially on the wider Liverpool City Region.
- 6.5 The benefits identified cannot be achieved without delivering the Scheme and this requires the land identified in the Order to come forward. The land is therefore necessary to the Scheme and there is a clear need for the CPO to be confirmed. Whilst negotiations to acquire the land by agreement will continue the acquisition cannot be guaranteed, without the support of CPO powers, within the programme timeframe.
- 6.6 Failing to deliver the benefits associated with the Scheme will, at the very least, ensure that current problems with the route continue and will fail to deliver already identified “future proof” improvements to manage already identified future impacts.
- 6.7 With the commensurate public realm, environmental and economic benefits to the area there is a clear public benefit to delivering the Scheme.
- 6.8 There is also no financial impediment to delivering the Scheme as funds have been identified by both the Council and Liverpool in their appropriate capital programme to cover the cost of the Scheme and associated activities if grant funding is made available. An outline business case to secure the funding has been submitted and a final decision is expected in March 2016. Accordingly, it is reasonably probable that funding will be available to deliver the Scheme if the CPO is confirmed.
- 6.9 As mentioned above, planning permission is deemed to be granted by reason of the Town and Country Planning (General Permitted Development) (England) Order 2015 and there are no other known impediments that would prevent the Scheme being delivered.
- 6.10 Whilst it must be acknowledged that land interests will be affected by the proposed compulsory purchase order, the interests affected are the minimum necessary to enable the Scheme to be delivered, no private residential premises are affected and no buildings are directly impacted by the proposals within Sefton. Moreover, compensation is legally available to those who may be affected by the proposed order.
- 6.11 On balance, notwithstanding the impact on individual properties, there is a compelling case in the public interest to deliver the Scheme and to support the proposed compulsory purchase order.

## **7.0 Circular 2/97**

- 7.1 Department of Transport Circular 02/97 is still the relevant guidance in respect of compulsory purchase orders for major road schemes.
- 7.2 It provides that the Secretary of State for Transport will require to be satisfied in every case that the land included in the CPO can reasonably be regarded as required for the purposes of the acquisition as stated in the Order. Where the Scheme is one for the improvement or construction of a highway, this will normally mean that the only land to which the CPO should relate will be land falling within the highway as improved or newly constructed. If land outside these limits is required in connection with the improvement or construction of a highway (e.g. as working space) this will need to be made clear (paragraph 18)
- 7.3 The Scheme has been carefully designed to minimise the amount of land that needs to be acquired and where working space has been identified this has been kept to a minimum. The proposed Order and Order land therefore conform to this guidance.
- 7.4 Paragraph 2 to the Circular also identifies that the Secretary of State would “always wish to be sure that Scheme for which he was authorising the compulsory purchase of land would go forward as proposed in the Order. Consequently, it is his practice not to confirm CPO until he is satisfied that the planning permission of aspect of the Scheme to which the Order relates has been granted”. In this case the works underpinning the Scheme benefit from deemed planning permission and can therefore be carried out if the Order is confirmed. There is no planning impediment to the Scheme being delivered.

## **8.0 Human Rights Act 1998**

- 8.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“the Convention”). The Convention includes provisions which aim to protect the rights of the individual (including companies and similar bodies). In resolving to make the Order the Council must consider the rights of the property owners affected by the Orders, should they be confirmed, generally and, in particular, under the following Articles of the Convention;

### Article 1 of the First Protocol

“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.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties”

### Article 6 – Right to a Fair Trial

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice...

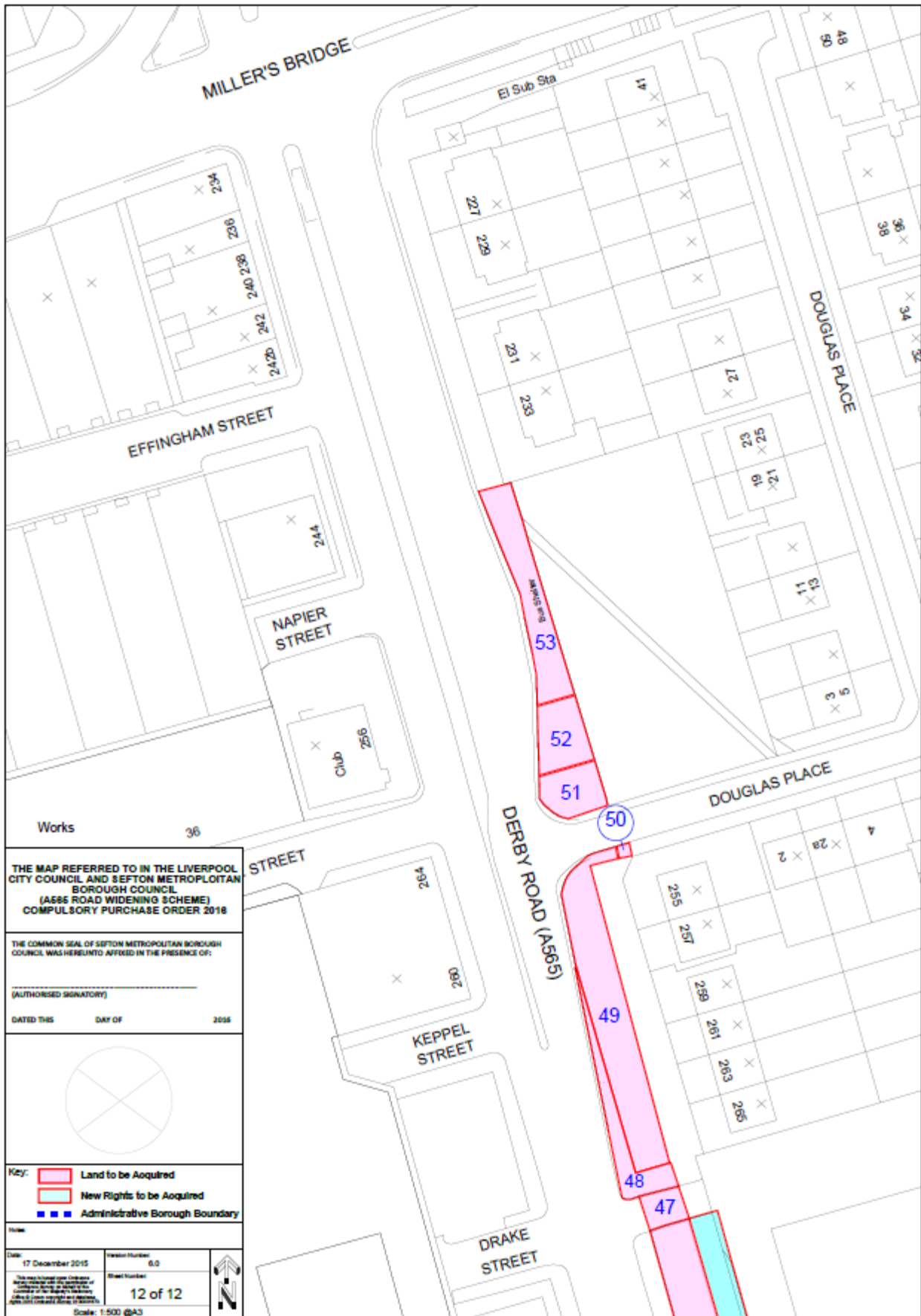
### Article 8 Right to respect for private and family life

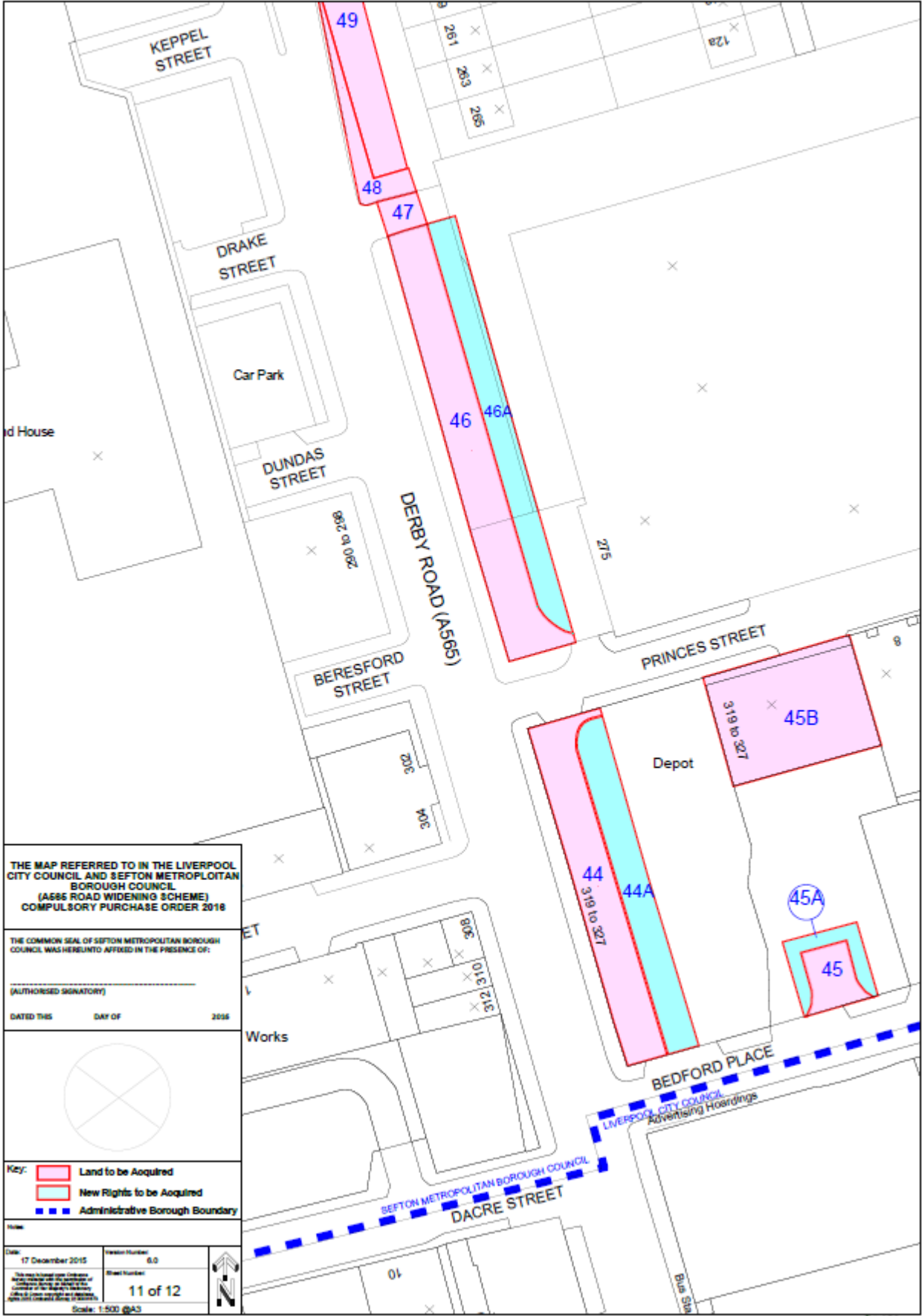
1 Everyone has the right to respect for his private and family life, his home and his correspondence.

2 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

- 8.2 In each of the articles referred to above (and in respect of many of the provisions of the Convention) the rights afforded to an individual are “qualified rights”; this means that they do not prevent proposals affecting those rights. 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 Scheme.
- 8.3 The works that will be delivered as part of the Scheme will deliver significant public benefits to their area. In the circumstances, and given that the land interests affected by the proposals will be limited, given the scale of the Scheme, it is submitted that the proposed compulsory purchase orders would not constitute an unlawful interference with the individual’s property rights given the overall public benefits which will be delivered if the Scheme is progressed. The Council has also taken every reasonable effort to ensure that the land affected by the Scheme is the minimum necessary to deliver the project.
- 8.4 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 hearing. 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 being affected by the Orders.

Appendix 1





THE MAP REFERRED TO IN THE LIVERPOOL CITY COUNCIL AND SEFTON METROPOLITAN BOROUGH COUNCIL (A586 ROAD WIDENING SCHEME) COMPULSORY PURCHASE ORDER 2018

THE COMMON SEAL OF SEFTON METROPOLITAN BOROUGH COUNCIL WAS HEREUNTO AFFIXED IN THE PRESENCE OF:

(AUTHORISED SIGNATORY)  
 DATED THIS      DAY OF      2018



Key:  
 [Pink Shaded Area] Land to be Acquired  
 [Light Blue Shaded Area] New Rights to be Acquired  
 [Dashed Blue Line] Administrative Borough Boundary

Date: 17 December 2015  
 Sheet Number: 11 of 12  
 Scale: 1:500 @A3





**Appendix 2**

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**SEFTON METROPOLITAN BOROUGH COUNCIL – A565 ROAD WIDENING SCHEME**

**COMPULSORY PURCHASE ORDER 2016**

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SEFTON METROPOLITAN BOROUGH COUNCIL

**Table 1**

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
44 (Land to be acquired)	Approximately 357 square metres of land and premises known as 319 to 327 (odd) Derby Road (A565)	<b>Barry Flanagan</b> 199 Thomas Lane Liverpool L14 5NU (MS163553, MS190522)  <b>Gerard Flanagan</b> 199A Thomas Lane Liverpool L14 5NU (MS163553, MS190522)	–	–	<b>Unoccupied</b>
44A (New rights to be acquired)	Approximately 283 square metres of land and premises known as 319 to 327 (odd) Derby Road (A565)  <b>RIGHTS WORDING TO BE INSERTED</b>	<b>Barry Flanagan</b> 199 Thomas Lane Liverpool L14 5NU (MS163553, MS190522)  <b>Gerard Flanagan</b> 199A Thomas Lane Liverpool L14 5NU (MS163553, MS190522)	–	–	<b>Unoccupied</b>

SEFTON METROPOLITAN BOROUGH COUNCIL

**Table 1 (cont'd)**

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
45 (Land to be acquired)	Approximately 72 square metres of land and premises known as 319 to 327 (odd) Derby Road (A565)	<b>Barry's Skip Hire Limited</b> 99 Stanley Road Bootle, Liverpool Merseyside L20 7DA (MS163554)	–	–	<b>Unoccupied</b>
45A (New rights to be acquired)	Approximately 64 square metres of land and premises known as 319 to 327 (odd) Derby Road (A565)  <b>RIGHTS WORDING TO BE INSERTED</b>	<b>Barry's Skip Hire Limited</b> 99 Stanley Road Bootle, Liverpool Merseyside L20 7DA (MS163554)	–	–	<b>Unoccupied</b>
45B (Land to be acquired)	Approximately 53 square metres of land and premises known as 319 to 327 (odd) Derby Road (A565)	<b>Barry Flanagan</b> 199 Thomas Lane Liverpool L14 5NU (MS190522)  <b>Gerard Flanagan</b> 199A Thomas Lane Liverpool L14 5NU (MS190522)	–	–	<b>Unoccupied</b>
46 (Land to be acquired)	Approximately 457 square metres of land and premises known as 275 Derby Road (A565)	<b>W.J. Leech &amp; Sons Limited</b> 275 Derby Road (A565) Bootle Liverpool L20 8PL (MS20902)	–	–	<b>W.J. Leech &amp; Sons Limited</b> 275 Derby Road (A565) Bootle L20 8PL

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Table 1 (cont'd)

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
46A (New rights to be acquired)	Approximately 279 square metres of land and premises known as 275 Derby Road (A565)  <b>RIGHTS WORDING TO BE INSERTED</b>	<b>W.J. Leech &amp; Sons Limited</b> 275 Derby Road (A565) Bootle Liverpool L20 8PL <i>(MS20902)</i>	–	–	<b>W.J. Leech &amp; Sons Limited</b> 275 Derby Road (A565) Bootle L20 8PL
47 (Land to be acquired)	All interests in approximately 34 square metres of adopted highway known as Derby Road (A565) situated to the south west of 265 Derby Road (A565), except those owned by the acquiring authority	<b>Sefton Metropolitan Borough Council</b> Town Hall Oriol Road Bootle L20 7AE <i>(as highway authority)</i>  <b>W.J. Leech &amp; Sons Limited</b> 275 Derby Road (A565) Bootle Liverpool L20 8PL <i>(in respect of subsoil beneath adopted highway)</i>	–	–	<b>Sefton Metropolitan Borough Council</b> Town Hall Oriol Road Bootle L20 7AE <i>(as highway authority)</i>
48 (Land to be acquired)	Approximately 75 square metres of unadopted footway known as Derby Road (A565) situated to the west of 257 to 265 (odd) Derby Road (A565)	<b>Unknown</b>	–	–	<b>Unoccupied</b>

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Table 1 (cont'd)

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
49 (Land to be acquired)	All interests in approximately 283 square metres of land and part adopted and unadopted footway known as Derby Road (A565) situated to the west of 255 to 265 (odd) Derby Road (A565), except those owned by the acquiring authority	<p><b>Sefton Metropolitan Borough Council</b> Town Hall Oriol Road Bootle L20 7AE (MS511226) <i>(also as part highway authority)</i></p> <p><b>One Vision Housing Limited</b> Atlantic House Dunnings Bridge Road Bootle L30 4TH <i>(in respect of subsoil beneath adopted highway)</i></p>	–	–	<p><b>Sefton Metropolitan Borough Council</b> Town Hall Oriol Road Bootle L20 7AE <i>(as highway authority)</i></p>
50 (Land to be acquired)	All interests in approximately 9 square metres of adopted highway known as Douglas Place situated to the north west of 255 Derby Road (A565), except those owned by the acquiring authority	<p><b>One Vision Housing Limited</b> Atlantic House Dunnings Bridge Road Bootle L30 4TH (MS536541)</p> <p><b>Sefton Metropolitan Borough Council</b> Town Hall Oriol Road Bootle L20 7AE <i>(as highway authority)</i></p>	–	–	<p><b>Sefton Metropolitan Borough Council</b> Town Hall Oriol Road Bootle L20 7AE <i>(as highway authority)</i></p>

SEFTON METROPOLITAN BOROUGH COUNCIL

**Table 1 (cont'd)**

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
51 (Land to be acquired)	All interests in approximately 70 square metres of land and part adopted and unadopted footway known as Derby Road (A565) situated to the north of the junction with Douglas Place, except those owned by the acquiring authority	<b>Sefton Metropolitan Borough Council</b> Town Hall Oriol Road Bootle L20 7AE (MS511226) <i>(also as part highway authority)</i>	–	–	<b>Sefton Metropolitan Borough Council</b> Town Hall Oriol Road Bootle L20 7AE <i>(as highway authority)</i>
52 (Land to be acquired)	All interests in approximately 82 square metres of land and unadopted footway known as Derby Road (A565) situated to the north of the junction with Douglas Place, except those owned by the acquiring authority	<b>Wallace Estates Limited</b> 24 Queen Anne Street London W1G 9AX (MS137456)	<b>Sefton Metropolitan Borough Council</b> Town Hall Oriol Road Bootle L20 7AE (MS64739)  <b>Unknown</b> <i>(in respect of mines and minerals)</i>	–	<b>Sefton Metropolitan Borough Council</b> Town Hall Oriol Road Bootle L20 7AE
53 (Land to be acquired)	All interests in approximately 161 square metres of land and unadopted footway known as Derby Road (A565) situated to the north of the junction with Douglas Place, except those owned by the acquiring authority	<b>Sefton Metropolitan Borough Council</b> Town Hall Oriol Road Bootle L20 7AE (MS511226)	–	–	<b>Sefton Metropolitan Borough Council</b> Town Hall Oriol Road Bootle L20 7AE

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**Table 2**

Number on map (4)	Other qualifying persons under section 12(2A) (a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
44 to 45B	-	-	-	-
46	<b>National Westminster Bank Plc</b> 135 Bishopsgate London EC2M 3UR	As mortgagee to W.J. Leech & Sons Limited as detailed in registered title MS20902	<b>Unknown</b>	Unknown restrictive covenants as contained in a Conveyance dated 15 November 1878 and 3 February 1887 for the benefit of unknown land, registered under title MS20902
46A	<b>National Westminster Bank Plc</b> 135 Bishopsgate London EC2M 3UR	As mortgagee to W.J. Leech & Sons Limited as detailed in registered title MS20902	<b>Unknown</b>	Unknown restrictive covenants as contained in a Conveyance dated 15 November 1878 and 3 February 1887 for the benefit of unknown land, registered under title MS20902
47 to 49	-	-	-	-
50	<b>Prudential Trustee Company Limited</b> Laurence Pountney Hill London EC4R 0HH	As mortgagee to One Vision Housing Limited as detailed in registered title MS536541	-	-
51 to 53	-	-	-	-



**GENERAL ENTRIES**

Party Name	Address
British Telecommunications Plc	81 Newgate Street, London, EC1A 7AJ BT Wayleaves, PP215W, ATE & TRS, Town Walls, Shrewsbury, SY1 1TY
EE Limited	Trident Place, Mosquito Way, Hatfield, Hertfordshire, AL10 9BW
United Utilities Group PLC	Haweswater House, Lingley Mere Business Park, Lingley Green Avenue, Great Sankey, Warrington, WA5 3LP
Hutchison 3G UK Limited	Star House, Grenfell Road, Maidenhead, SL6 1EH
SP Manweb Plc	3 Prenton Way, Prenton CH43 3ET
Virgin Media Limited	Media House, 10-14 Bartley Wood Business Park, Hook, RG27 9UP National Plant Enquiries Team, Communications House, Scimitar Park Industrial Estate, Courtauld Road, Basildon, SS13 1ND

The common seal of  
SEFTON METROPOLITAN BOROUGH COUNCIL  
was hereunto affixed on the            day of  
2016 in the presence of:

AUTHORISED SIGNATORY

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# Appendix 4



**RESIDUAL DESIGN HAZARDS**  
 (The following information has been collected from Preconstruction Information and the Arney CDM Hazard Management Process.)  
 1. Please enter project specific hazards here.

**KEY**

- Existing layout
- Proposed layout
- Liverpool County Council / Sefton County Council boundary line

P1	Turning heads added	RL	04/03/15	04/03/15
Rev	Revision details	Checked	App'd	Date
Drawn	DLB	Reviewed		
Design	GMG	For comment		
Check	GMG	For tender		
App'd		For construction		
Date	04/15	As constructed		
		Other		



Client  
 Project Name  
**A565 Liverpool North Key Corridor**

Drawing Title  
**Phase 2 works - Overview**

Original Drawing Size	A1	Dimensions	-
Scale	1:1000	Copyright	© Arney
Drawing No	CO00205216/H/P/102	Rev	P1

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