

Appendix 2

THE SEFTON METROPOLITAN BOROUGH COUNCIL

(M58 JUNCTION 1)

COMPULSORY PURCHASE ORDER 2017

THE HIGHWAYS ACT 1980
AND
THE ACQUISITION OF LAND ACT 1981

The Sefton Metropolitan Borough Council (in this order called the “Acquiring Authority”) makes the following order:

1. Subject to the provisions of this order, the Acquiring Authority is under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 hereby authorised to acquire compulsorily the land and new rights over land described in section 2 for the purposes of;
 - 1.1. construction for two motorway slip roads at Junction 1 of the M58 (“the Highway”)
 - 1.2. the construction of a farm access track
 - 1.3. the carrying out of drainage, signage and environmental mitigation works in connection with the construction or improvement of the said Highway
 - 1.4. the use of the land by the Acquiring Authority in connection with the construction and improvement of the Highway or other highways within its vicinity
 - 1.5. mitigating any adverse effects which may arise associated with the construction or improvement of the Highway by the Acquiring Authority
2. The land and rights authorised to be purchased compulsorily under this order is the land described in the Schedule and delineated and shown edged red and coloured pink and the rights to be purchased compulsorily under this order is the land described in the Schedule and shown edged red and coloured blue on the map prepared in duplicate and sealed with the common seal of the Acquiring Authority and marked “Map referred to in the Sefton Metropolitan Borough Council (M58 Junction 1) Compulsory Purchase Order 2017 “
3. Parts II and III of Schedule 2 to the Acquisition of Land Act 1981 are hereby incorporated with this order subject to the modifications that references in the said Parts II and III to the undertaking shall be construed as references to the works constructed or to be constructed on the land authorised to be purchased.

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 |
| 1 | 5,459 square metres of land lying to the south west of Maghull Lane, Maghull and west of Junction 1 of the M58 and east of Bradleys Farm, School Lane | <p>Wilson Connolly Limited Taylor Woodrow House The Beacons Warrington Road Risley Warrington WA3 6XU (MS213607)</p> <p>Hallam Land Management Limited 8th Floor 26 Cross Street Manchester M2 7AQ (MS213607)</p> | – | <p>Vivienne Jean Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL</p> <p>John Christopher Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL</p> | <p>Vivienne Jean Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL</p> <p>John Christopher Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL</p> |
| 2 | 5,665 square metres of agricultural land and premises known as Bradleys Farm, School Lane, Maghull, Liverpool | <p>David John Cropper Bradleys Farm School Lane Maghull Liverpool L31 1BE (MS601527)</p> | – | – | <p>David John Cropper Bradleys Farm School Lane Maghull Liverpool L31 1BE</p> |

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 |
| 3 | All interests in 473 square metres of land, track and public footpath known as Giddygate Lane situated south west of Junction 1 of the M58 | <p>Unknown</p> <p>Professor J R Hunter 5 Arden Drive Dorridge Solihull West Midlands B93 8LP <i>(as adjoining owner)</i></p> <p>Highways England Company Limited The Company Secretary Bridge House 1 Walnut Tree Close Guildford Surrey GU1 4LZ <i>(as adjoining owner)</i></p> | – | – | Unoccupied |
| 4 | All interests in 596 square metres of land, track, verge and public footpath known as Giddygate Lane situated north of Guest Farm except those of Highways England Company Limited | <p>Highways England Company Limited The Company Secretary Bridge House 1 Walnut Tree Close Guildford Surrey GU1 4LZ <i>(MS253931)</i></p> | – | – | Unoccupied |

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 |
| 5 | 10.609 square metres of agricultural land situated west of Guest Farm, Giddygate Lane, Melling | David John Cropper Bradleys Farm School Lane Maghull Liverpool L31 1BE (MS601527) | – | – | David John Cropper Bradleys Farm School Lane Maghull Liverpool L31 1BE |
| 6 | All interests in 307 square metres of land situated south and east of Giddygate Land and north of Guest Farm, except those owned by Highways England Company Limited | Highways England Company Limited The Company Secretary Bridge House 1 Walnut Tree Close Guildford Surrey GU1 4LZ (MS253931) | – | – | Unoccupied |
| 7 | 12,324 square metres of agricultural land situated east of Guest Farm, Giddygate Lane, Melling | Professor J R Hunter 5 Arden Drive Dorridge Solihull West Midlands B93 8LP (reputed owner) | – | Vivienne Jean Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL John Christopher Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL | Vivienne Jean Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL John Christopher Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL |

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 |
| 1 | <p>Vivienne Jean Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL</p> <p>John Christopher Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL</p> | Charge as detailed in a Deed dated 28 September 2001 registered under title MS213607 | – | – |
| 2 | – | – | – | – |

Table 2 (cont'd)

| 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 |
| 3 | - | - | <p>United Utilities plc Haweswater House Lingley Mere Business Park Lingley Green Avenue Great Sankey Warrington WA5 3LP</p> <p>John Francis Cant 1 Moss Nook Cottages Moss Nook Lane Liverpool L31 1BG</p> <p>Sally Ann Cant 1 Moss Nook Cottages Moss Nook Lane Liverpool L31 1BG</p> <p>Ben Cant 1 Moss Nook Cottages Moss Nook Lane Liverpool L31 1BG</p> | <p>Rights relating to water and sewerage statutory undertakers</p> <p>Rights of access over Giddygate Lane for the benefit of 1 Moss Nook Cottages, Moss Nook Lane, Liverpool L31 1BG</p> <p>Rights of access over Giddygate Lane for the benefit of 1 Moss Nook Cottages, Moss Nook Lane, Liverpool L31 1BG</p> <p>Rights of access over Giddygate Lane for the benefit of 1 Moss Nook Cottages, Moss Nook Lane, Liverpool L31 1BG</p> |

Table 2 (cont'd)

| 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 |
| 3 (cont'd) | | | <p>Allen John Carter 2 Moss Nook Cottages Moss Nook Lane Melling Liverpool L31 1BG</p> <p>Allan Philip Marshman Sunnyfields Hall Lane Lydiate Liverpool L31 4HP</p> <p>John Allan Marshman Moss Nook Barn Moss Nook Lane Melling Liverpool L31 1BG</p> <p>Anna Lee Marshman Moss Nook Barn Moss Nook Lane Melling Liverpool L31 1BG</p> <p>Dorothy Marshman Moss Nook Farmhouse Moss Nook Lane Melling Liverpool L31 1BG</p> | <p>Rights of access over Giddygate Lane for the benefit of 2 Moss Nook Cottages, Moss Nook Lane, Liverpool L31 1BG</p> <p>Rights of access over Giddygate Lane for the benefit of land and buildings at Moss Nook Farm and Moss Nook Barn, Moss Nook Lane, L31 1BG</p> <p>Rights of access over Giddygate Lane for the benefit of land and buildings at Moss Nook Farm and Moss Nook Barn, Moss Nook Lane, Liverpool L31 1BG</p> <p>Rights of access over Giddygate Lane for the benefit of Moss Nook Barn, Moss Nook Lane, Melling, Liverpool L31 1BG</p> <p>Rights of access over Giddygate Lane for the benefit of Moss Nook Farmhouse, Moss Nook Lane, Melling, Liverpool L31 1BG</p> |

Table 2 (cont'd)

| 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 |
| 3 (cont'd) | | | <p>Michael Joseph Lane 1 Giddygate Lane Melling Liverpool L31 1AG</p> <p>Colin Rooney Mulwood 2 Giddygate Lane Maghull Liverpool L31 1AG</p> <p>Gordon William Morrey Parkside Flash Lane Rufford Ormskirk L40 1SW</p> <p>Terrence Moroney 23 Harrow Drive Aintree Liverpool L10 8LD</p> <p>Robert Harrison Melling House Farm Bungalow Prescot Road Melling Liverpool L31 1AP</p> | <p>Rights of access over Giddygate Lane for the benefit of 1 Giddygate Lane and land on the north west side of Giddygate Lane</p> <p>Rights of access over Giddygate Lane for the benefit of Mulwood, 2 Giddygate Lane, Liverpool, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of land at Giddygate Lane; Brookside, Giddygate Lane, L31 1AE; 2 Fir Tree Cottages, Giddygate Lane, L31 1AG and 3 Fir Tree Cottages, Giddygate Lane, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of land on the west side of Prescot Road</p> <p>Rights of access over Giddygate Lane for the benefit of land adjoining Brookside and land adjoining Fir Tree Cottages</p> |

Table 2 (cont'd)

| 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 |
| 3 (cont'd) | | | <p>Audrey O'Donnell Bradshaw House Mill Lane Aughton Ormskirk L39 7HJ</p> <p>Steven John Dalton Brookside Giddygate Lane Melling Liverpool L31 1AE</p> <p>Ann Shirley Friday Brookside Giddygate Lane Melling Liverpool L31 1AE</p> <p>Jayne Allison Holden Fir Tree House Giddygate Lane Melling Liverpool L31 1AG</p> <p>Andrew Paul Holden Fir Tree House Giddygate Lane Melling Liverpool L31 1AG</p> | <p>Rights of access over Giddygate Lane for the benefit of land on the west side of Giddygate Lane</p> <p>Rights of access over Giddygate Lane for the benefit of Brookside, Giddygate Lane, L31 1AE</p> <p>Rights of access over Giddygate Lane for the benefit of Brookside, Giddygate Lane, L31 1AE</p> <p>Rights of access over Giddygate Lane for the benefit of Fir Tree House, Giddygate Lane, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of Fir Tree House, Giddygate Lane, L31 1AG</p> |

Table 2 (cont'd)

| 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 |
| 3 (cont'd) | | | <p>Daniel Holden Fir Tree House Giddygate Lane Melling Liverpool L31 1AG</p> <p>Kenneth Deary Holly Tree Cottage Giddygate Lane Melling Liverpool L31 1AG</p> <p>Pamela Deary Holly Tree Cottage Giddygate Lane Melling Liverpool L31 1AG</p> <p>Shona O'Donnell Giddygate Farm Giddygate Lane Melling Liverpool L31 1AE</p> <p>Philip James Hoare Giddygate Farm Giddygate Lane Melling Liverpool L31 1AE</p> | <p>Rights of access over Giddygate Lane for the benefit of Fir Tree House, Giddygate Lane, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of Holly Tree Cottage, Giddygate Lane, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of Holly Tree Cottage, Giddygate Lane, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of Giddygate Farm, Giddygate Lane, L31 1AE</p> <p>Rights of access over Giddygate Lane for the benefit of Giddygate Farm, Giddygate Lane, L31 1AE</p> |

Table 2 (cont'd)

| 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 |
| 3 (cont'd) | | | <p>The Executor of the estate of Barbara Elizabeth Karran 1 Fir Tree Cottages Giddygate Lane Melling Liverpool L31 1AG</p> <p>The Executor of the estate of George Karran 1 Fir Tree Cottages Giddygate Lane Melling Liverpool L31 1AG</p> <p>Andrew Wayne Sartorius 2 Fir Tree Cottages Giddygate Lane Melling Liverpool L31 1AG</p> <p>Abbie Louise James 2 Fir Tree Cottages Giddygate Lane Melling Liverpool L31 1AG</p> <p>Anthony Joseph Swift Bridge Farm School Lane Maghull Liverpool L31 1HH</p> | <p>Rights of access over Giddygate Lane for the benefit of 1 Fir Tree Cottages, Giddygate Lane, Liverpool, L31 1AG and land adjoining</p> <p>Rights of access over Giddygate Lane for the benefit of land adjoining 1 Fir Tree Cottages, Giddygate Lane, Liverpool, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of 2 Fir Tree Cottages, Giddygate Lane, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of 2 Fir Tree Cottages, Giddygate Lane, L31 1AG</p> <p>Rights of access over Giddygate Lane for the benefit of land on the south west side of Moss Nook Lane</p> |

Table 2 (cont'd)

| 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 |
| 3 (cont'd) | | | <p>Robert Floyd Swift 15 Tideswell Road Putney London SW15 6LJ</p> <p>Parkcare Homes (No.2) Limited Fifth Floor 80 Hammersmith Road London W14 8UD</p> <p>Vivienne Jean Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL</p> <p>John Christopher Gittins Lyons Farm Prescot Road Melling Liverpool L31 1AL</p> <p>David John Cropper Bradleys Farm School Lane Maghull Liverpool L31 1BE</p> | <p>Rights of access over Giddygate Lane for the benefit of land on the south west side of Moss Nook Lane</p> <p>Rights of access over Giddygate Lane for the benefit of Moorfield House, Giddygate Lane, L31 1AQ</p> <p>Rights of access over Giddygate Lane for the benefit of land to the east of Giddygate Lane</p> <p>Rights of access over Giddygate Lane for the benefit of land to the east of Giddygate Lane</p> <p>Rights of access over Giddygate Lane for the benefit of land to the northwest of Guest Farm</p> |

Table 2 (cont'd)

| 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 |
| 3 (cont'd) | | | <p>Gary Prescott 5 Millbank Smallholdings Millbank Lane Maghull Liverpool L31 9AT</p> <p>Mark James Prescott 5 Millbank Smallholdings Millbank Lane Maghull Liverpool L31 9AT</p> <p>Karen Atkins Guest Farm Giddygate Lane Melling Liverpool L31 1AG</p> | <p>Rights of access over Giddygate Lane for the benefit of Guest Farm</p> <p>Rights of access over Giddygate Lane for the benefit of Guest Farm</p> <p>Rights of access over Giddygate Lane for the benefit of Guest Farm</p> |
| 4 | - | - | For the names and addresses of qualifying persons see plot 3 above | Rights of access over Giddygate Lane for the benefit of land and properties along Giddygate Lane |

Table 2 (cont'd)

| 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 |
| 5 | – | – | National Grid Gas Plc 1 - 3 Strand London WC2N 5EH | Rights relating to gas main |
| 6 | – | – | – | – |
| 7 | – | – | – | – |

GENERAL ENTRIES

LIST OF STATUTORY UNDERTAKERS AND OTHER LIKE BODIES HAVING OR POSSIBLY HAVING A RIGHT TO KEEP EQUIPMENT OR HAVING THE BENEFIT OF EASEMENTS ON, IN OR OVER THE LAND WITHIN THE ORDER

| PARTY NAME | ADDRESS |
|--|---|
| Vodafone UK Limited | Vodafone House, The Connection, Newbury, Berkshire, RG14 2FN |
| National Grid Electricity Transmission Plc | 1 - 3 Strand, London, WC2N 5EH |
| S P Power Systems Limited | 1 Atlantic Quay, Glasgow, G2 8SP |
| National Grid Gas Plc | 1 - 3 Strand, London, WC2N 5EH |
| British Telecommunications Plc | 81 Newgate Street, London, EC1A 7AJ |
| United Utilities Plc | Haweswater House, Lingley Mere Business Park, Lingley Green Avenue, Great Sankey, Warrington, WA5 3LP |
| The Canal and Rivers Trust | Head Office, First Floor North, Station House, 500 Elder Gate, Milton Keynes, MK9 1BB |
| Network Rail Infrastructure Limited | 1 Eversholt Street, London, NW1 2DN |
| Hutchison 3G UK Limited | Star House, Grenfell Road, Maidenhead, SL6 1EH |
| EE Limited | Trident Place, Mosquito Way, Hatfield, Hertfordshire, AL10 9BW |
| 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
2017 in the presence of:

AUTHORISED SIGNATORY

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Appendix 3

DATED

2017

Highways Act 1980

Acquisition of Land Act 1981

Sefton Metropolitan Borough Council (M58 Junction 1 Improvements) Compulsory Purchase Order
2017

The Acquiring Authority's Statement of Reasons

Contents

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- 2. Background Information**
- 3. The Scheme**
- 4. The CPO Order Land**
- 5. The need to deliver the Scheme**
- 6. Policy Framework**
- 7. Planning position and other approvals**
- 8. Funding Proposals**
- 9. Justification for using compulsory purchase powers**
- 10. Consideration of Human Rights Issues**
- 11. Other Matters**
 - 11.1. Related Orders/Applications**
 - 11.2. Special Considerations affecting the Order Land**
 - 11.3. Compensation Issues**
 - 11.4. Contact Information**
 - 11.5. Inspection of documents**

1. Introduction

- 1.1 On the [] 2017 Sefton Metropolitan Borough Council (“the Council”) made the Sefton Metropolitan Borough Council (M58 Junction 1 Improvements) Compulsory Purchase Order 2017 (“the CPO”)
- 1.2 The land and the interests over land proposed to be compulsorily acquired pursuant to the CPO (“the CPO Order Land”) broadly covers land lying adjacent to the M58 motorway to the south and west of Junction 1. The CPO Order Land is better described in Section 4 of this Statement.
- 1.3 The CPO was made to facilitate site assembly for a highway scheme to introduce two new slip roads to Junction 1 of the M58 allowing an off movement from the eastbound carriageway and an on movement to the westbound carriageway. The proposals are better described in Section 3 of this Statement (“the Scheme”).
- 1.4 Sefton is the highway authority, as defined by the Highways Act 1980 (“the 1980 Act”) for the A506, Maghull Lane, which joins the M58 motorway at Junction 1. The Secretary of State for Transport (“DfT”) is the highway authority, as defined by the 1980 Act, for the M58 motorway and the existing slip roads. Highways England (“HE”) is the government owned company charged with operating, maintaining and improving motorways and trunk roads within England on behalf of the DfT.
- 1.5 In order for The Council to deliver the Scheme on the motorway network [and to connect the new slip roads into the network], an agreement between the Council and HE, pursuant to Section 6 [and section 327] of the 1980 Act, is required to be completed to delegate DfT's functions to the Council [and to apply the compulsory purchase provisions of the 1980 Act to HE owned interests] (“Section 6 agreement”).
- 1.6 This is a non-statutory statement provided in compliance with paragraph 21 of the Department for Communities and Local Government Guidance on Compulsory Purchase Processes and the Crichel Down Rules 2015.
- 1.7 This Statement of Reasons is not a statement under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 and the Council reserves the right to alter or expand it as necessary.

2. Background Information

- 2.1 Section 239 (1) of the 1980 Act provides that:
“any highway authority may acquire land required for the construction of a highway which is to be maintainable at the public expense...”
- 2.2 Section 239(3) of the Highways Act 1980 further provides that:

“a highway authority may acquire land required for the improvement of a highway, being an improvement which they are authorised by this Act to carry out in relation to the highway”

- 2.3 The Council has determined that compulsory purchase is necessary to guarantee the land acquisition required to enable the construction of the Scheme and deliver the improvements and benefits associated with it. The need to assemble the site within time constraints is further considered below but relates primarily to the availability of funding for the Scheme and the requirements imposed on the use of that funding. In Section 3, consideration is given to the background to the Scheme and the desire of the Council to deliver this Scheme and its benefits. Without the use of compulsory purchase powers the Council are satisfied that it is unlikely that it will be possible to acquire the necessary land to enable the Scheme to be delivered within the necessary timescale.
- 2.4 The CPO will enable the acquisition of all interests in the CPO Order Land which are not currently within the control of the Council (other than mining interests and any other interests specifically excluded) as set out in the schedules to the CPO. The land to be acquired under the CPO is shown coloured pink on the Order Map associated with the CPO.
- 2.5 The Council acknowledges that a compulsory purchase order can only be made if there is a compelling case in the public interest to support the making and confirmation of an order. After careful consideration the Council considers that there is a compelling case in the public interest to make the CPO to deliver the highway improvements proposed by the Scheme.

3. The Scheme

- 3.1 The Scheme will provide the ‘missing’ two west facing slip roads at Junction 1 of the M58 motorway. In order to accommodate the slip roads, a section of Giddygate Lane will need to be stopped up or diverted. An options appraisal was undertaken to examine 4 potential options. These included a ‘do-nothing option, a simple option to include the west facing slip roads without modifying the motorway, a similar option with some minor modification to the westbound exit slip, and a fourth option which included some modifications to the bridge parapet on the roundabout and introduction of a cycle lane on the roundabout.
- 3.2 In late 2015, HE confirmed that it intended to complete the bridge parapet works and cycle facilities (identified within the fourth option) as part of a separate scheme. These works were undertaken in early 2016 and the fourth option was therefore discounted.
- 3.3 Following the analysis of the Options Report it was agreed that Option 3 presented the greatest benefit of the options provided and was selected as the preferred option. This option enables all the benefits offered by Option 2 and reduces the risk of accidents west of the junction, along the section where the slip road joins the M58 and lane three is dropped. The proposal includes the construction of two new, west-facing slip roads, diversion of Giddygate Lane and a redesign

of the westbound exit slip layout into lane drop. As a result, the M58 is reduced to two lanes from the westbound exit slip up to the Switch Island junction. The design provides full access to the M58 from Junction 1 and is likely to divert part of the traffic from the local road network, the A59 and A506, onto the motorway, thus creating a positive impact on the environment due to reduced vehicle pollution, reduced congestion and increased journey savings time. The design requires land acquisition for new slip roads as well as for the farm access track required following the stopping up of Giddygate Lane.

- 3.4 The Scheme has been costed and an economic appraisal completed. This is based upon the traffic model for Maghull, which identified the likely changes in traffic flow. The model identifies a very high benefit:cost ratio of 9:3 which is considered to provide very high value for money according to DfT criteria.
- 3.5 An appraisal of accidents in the location of the Scheme was carried out using DfT's standard accident appraisal tool. The appraisal of the Scheme predicts a reduction of 61.7 Personal Injury Accidents over the 60-year appraisal period.
- 3.6 The scheme consists of the following features;
- (a) Introduction of two west facing slip roads – the geometry of the slip roads and the embankments on which they sit are determined by the requirements of the Design Manual for Road and Bridges ("DMRB"). These set out design parameters for the areas of new carriageway and associated verge.
 - (b) Associated fencing, signing, drainage and barrier works – the DMRB determines the appropriate scope of acceptable boundary treatment and barriers and these will be determined either at planning application stage, where such features form part of the approved scheme, or at detailed design stage. An allowance has been made, based on engineering judgement, for the land required to accommodate these features. The signing requirements will be determined at detailed design stage.
 - (c) The continuation of the existing Public Right of Way adjacent to the new slip road – the section of Giddygate Lane parallel to the motorway is a public right of way and will therefore be maintained. The design will incorporate a new footway/cycle track that will form part of the Public Right of Way and be located adjacent to the new onbound slip road.
 - (d) Stopping up of a section of Giddygate Lane impacted upon by the works – following a public consultation exercise with residents and businesses enjoying rights of access on Giddygate Lane, it has been agreed that the section impacted upon by the new slip road will be stopped up and no alternative lane provided.
 - (e) The creation of a farm access track to serve Guest Farm and other fields – it has been agreed that the lane in its current form should be replicated along an alternative route and a new access track to Guest Farm and other field sites is required. The new route has been determined to have as little impact as possible on the adjacent field and to be positioned where vehicles can exit onto Maghull Lane in a safe way.

- (f) Changes in lane configurations within the M58 to facilitate the two new slip roads. Minor modifications to the existing lanes within the motorway will be made.
- (g) Minor modification to the junction, including signing in response to the new slip roads – the scheme necessitates some minor changes to the roundabout and new signage. Consideration will also be given, as part of the Scheme, to any physical changes to the highway layout on the approach to the junction to alleviate current safety concerns.
- (h) Limited landscaping and mitigation works – The extent of the landscape and mitigation measures, to mitigate the potential increase in noise levels, will be determined in the detailed design stage. Land will be set aside to accommodate any changes deemed necessary.

3.7 The Scheme will deliver benefits not only for existing network users but to facilitate future local development. The Council has recently received the Inspector's report following the examination of the Sefton Local Plan. As a result, the Council intends to adopt the Local Plan in April 2017. One of the sites identified for local development is the site adjacent to the Scheme, known as Land East of Maghull. This is identified as the largest and most important development site in the Local Plan and is considered essential in meeting the Borough's housing and employment needs. The site is allocated for a minimum of 1,400 dwellings and a 20 ha (net) business park, and will deliver significant local infrastructure improvement. [A draft Supplementary Planning Document (SPD) has been produced of this site. It is currently being consulted on (until 2nd May 2017). The Council hopes to adopt this in July 2017, once it has considered any comments made during the consultation period.]

3.8 The traffic model used to determine the economic benefit of the new slip roads has been used to determine the impact of the proposed development. It has concluded that the Scheme will have a very positive impact on transport links to any new development at the Land East of Maghull site.

4. The CPO Order Land

4.1 The land required to deliver the Scheme includes a number of parcels of land adjacent to the M58 Motorway to the west of Junction 1. The CPO Order Land largely comprises agricultural Land but does include a section of Giddygate lane which currently forms a Public Right of Way and provides private vehicular access, albeit with a locked gate, to people with rights of access. No buildings are included within the land.

4.2 The Order Map in respect of the Order comprises one sheet. 7 plots are identified. This includes 2 plots to the north of the motorway to accommodate the new off slip and associated fencing and drainage, comprising agricultural land of approximately 1.08 hectares in total. It also

includes 5 plots to the south of the motorway to accommodate the new on slip and associated fencing and drainage with some land for mitigation and the proposed alternative right of way and land to accommodate the new farm access track to Guest Farm. Land is also required to accommodate a site compound and associated access. The land required within Plot 5 to accommodate the works leaves a landowner with a parcel of land which is both difficult to access and too small to be of value as agricultural land. As such the entire plot has been included. These plots are in agricultural land and some land currently occupied by a section of Giddygate Lane comprising 2.45 hectares in total.

- 4.3 The land coloured pink on the Order Map will be acquired permanently by the Council.
- 4.4 [The land to be acquired also includes areas of land in the ownership of HE, which is Crown land. Rights for the Council to acquire this land are set out in the Section 6 agreement. Section 327 of the 1980 Act allows a Crown body (HE) and a highways authority to agree that any provisions of the 1980 Act will apply to Crown land. The Section 6 agreement is also made pursuant to section 327 and grants the Council these rights.]
- 4.5 Negotiations with the landowners and occupiers of those properties affected by the CPO are ongoing and will continue during the compulsory purchase order process. The Council would prefer to acquire any necessary land or other interests by private agreement if this can be achieved and would intend to use any compulsory purchase order, if confirmed, as a method of last resort to acquire the land or interests affected.
- 4.6 Confirmation of the CPO will enable the Council to acquire compulsorily land required for the Scheme in order to construct new highway, improve existing highway, stop up existing highways and, provide new access to existing premises and agricultural land.

5. The need to deliver the Scheme

- 5.1 The Liverpool City Region (LCR) growth plan aims to create a framework for economic and job growth in the City Region. In order to facilitate this strategy it is critical to recognise the need of infrastructure to support the growth plan. In addition to development related infrastructure, a well-connected road network is essential in supporting the planned growth.
- 5.2 The Scheme aims to provide major support to the Liverpool City Region development objectives. The scheme will also help to unlock land for future development. The scheme will improve existing connections to the highway network and provide the conditions for new inward investment.
- 5.3 Like any other economically prosperous city, the future economic growth of Liverpool City Region will largely rely on robust transport infrastructure that enables and improves access to

new employment and housing sites, while maintaining manageable network wide traffic. A number of economic benefits are expected to be gained through this scheme including improvements to overall travel time, particularly between Maghull and Liverpool and improved junction capacity to accommodate future traffic.

- 5.4 Congestion has a detrimental effect on economic productivity. Traffic congestion lengthens the 'effective' distance between labour markets and businesses, placing a limitation on the skills available and reducing the potential for business-to-business activity. A small reduction in journey times can bring large cost savings to businesses and communities.
- 5.5 The Strategic Road and Motorway network in the Liverpool City Region provides the key access routes for freight traffic to the Port of Liverpool. Delay on the road network due to congestion leads to an adverse impact on the supply chain at the national level.
- 5.6 Traffic on the M58 and the adjacent road network has grown steadily during the post-recession period from 2012. An analysis of traffic flows and the traffic model for the study area has identified high levels of congestion at junctions along the A59, as well as other local roads in both Maghull and Kirkby in both the morning and evening peak periods. Due to the lack of west facing slip roads at M58 junction 1, traffic is forced to use the local road network to access employment areas and local services. The introduction of the west facing slips at M58 Junction 1 will help to alleviate congestion around these local centres as traffic utilises the M58 Motorway to travel towards Liverpool and the M57 Motorway.
- 5.7 The Strategic Case for the Scheme and the review of issues across the Sefton and wider LCR region has identified a number of key challenges:
- Ambitious growth across the LCR region over the next 15 years, with the aim to create between 95,000 to 130,000 jobs;
 - Significant investment is already underway with key projects such as Liverpool2, SuperPort, expansion of the Knowsley Industrial Park and Liverpool / Wirral Enterprise Zones – all will increase pressure on the M58 corridor ;
 - Potentially increased Congestion and Delays experienced within key local centres such as Maghull and Knowsley as travellers continue to access local routes onto the A59 and A506;
 - Housing Developments and the potential to 'unlock' development opportunities leading to increased traffic and congestion has the potential to make these conditions worse.
- 5.8 It is important that highway infrastructure investment is made to provide improvements in traffic flow, reduce potential vehicle emissions and ensure benefits both locally and nationally. The challenge for the Council and the LCR is to ensure efficient and effective access between potential staff and future employers, businesses and their markets. Success of planned investment is predicated on the ability to quickly and easily transport people and goods. There is a need to both relieve current congestion and future proof the M58 Junction 1 against

growing demand and to ensure that it can facilitate an increase in the economic activity and growth, support the investment already under way and enhance confidence in the City Region.

- 5.9 The Scheme will contribute to maintaining transport assets through road network improvements, by increasing efficiency of the overall network, relieving congestion and ensuring that the infrastructure supply can meet the predicted future travel demand.
- 5.10 Cutting vehicle emissions is a key priority of the Government. The environmental impacts of the Scheme have been assessed in an Environmental Appraisal. The Scheme is expected to reduce the overall energy consumption (in the form of fuel and electricity) of vehicles using the junction, resulting in a beneficial impact on emissions and greenhouse gases. Over the 60 year assessment period, total savings of 19,926 tonnes of CO₂ are expected.
- 5.11 Overall, the Scheme is predicted to:
- Reduce congestion at the junction and improve journey times and reliability;
 - Reduce personal injury accidents and provide accident cost savings of £3.2m
 - Deliver social and distributional benefits including safety at the junction
 - Provide an overall Benefit Cost Ratio of 9:3

Social/Economic issues

- 5.12 The Liverpool City Region economy was worth almost £22 billion in 2009. Liverpool City Region includes Liverpool, Sefton and the districts of Halton, Knowsley, St Helens and Wirral.
- 5.13 The transport system has a major role to play in facilitating and developing communities through contributing towards alleviating social problems. The transport system provides valuable linkages to jobs, education, healthcare, housing and recreational facilities. Inadequate infrastructure can impact on the quality of life for the individual and the overall community.
- 5.14 Despite the economic strengths identified within the area surrounding the Scheme, there are areas of deprivation containing some of the more disadvantaged communities within the LCR. These deprived locations fall within the top 30% deprivation index and are some of the most deprived areas in the UK. The 2015 Deprivation Index highlights areas to the south of the junction as being the most deprived which are within 5kms of the junction. The measure of deprivation consists of income level, employment, healthcare, education, barriers to housing and services, crime and living environment.
- 5.15 The draft Sefton Local Plan has emphasised the need for reducing the deprivation level through new job opportunities, increased housing provisions and promoting more sustainable and green

transport routes for people. The Scheme would play a role in helping to achieve these objectives.

6. Policy Framework

6.1 The Scheme is supported at national, regional and local policy levels in Sefton. The Scheme supports and complements the Council's approach towards improving its economy and employment and transport facilities. The proposed development of the land East of Maghull, identified within the Local Plan, can't proceed until the scheme is introduced.

National Government Objectives

6.2 The National Planning Policy Framework 2012 – the National Planning Policy Framework (NPPF) identifies three key roles of planning policy; an economic role, a social role and an environmental role. It identifies these roles as mutually dependant. The planning system should guide development to achieve sustainable solutions and achieving economic, social and environmental gains jointly and simultaneously can achieve sustainable development. At paragraph 9, the NPPF confirms that pursuing sustainable development involves seeking positive improvements in the quality of the built natural and historic environment including, but not limited to,

- Making it easier for jobs to be created in cities towns and villages
- Replacing poor design with better design
- Improving the conditions in which people live, work, travel and take leisure.

6.3 The key presumption in the NPPF is to deliver sustainable development; One of the key elements of delivering sustainable development described in NPPF is '*Building a strong, competitive economy*'. Local planning authorities are advised that they should '*plan proactively to meet the development needs of business*' (Paragraph 20) and '*identify priority areas for economic regeneration, infrastructure provision and environmental enhancement*' (Paragraph 21). The Scheme is clearly identified in Sefton's draft Local Plan and Infrastructure Delivery Plan as an infrastructure improvement that supports current and future economic growth and development.

6.4 Another element of sustainable development described in NPPF is '*Promoting sustainable transport*'. NPPF states that '*Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, ... or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas.*' (Paragraph 31). The business case for the Scheme is based on the benefits that the Scheme

provides for the existing economy and provision for potential future development. Given its location on one of the main strategic routes to and from the Port of Liverpool, the scheme is also an important infrastructure improvement that supports the growth strategy for the Port of Liverpool and for freight and logistics across the Liverpool City Region as a whole. This also complies directly with the requirement of NPPF.

- 6.5 The NPPF also recognises that transport policies play an important role in facilitating sustainable development as well as contributing to wider sustainability and health objectives whilst encouraging local authorities to work together to develop strategies to deliver viable infrastructure to deliver sustainable development, including large scale facilities. Account should be taken of the potential growth of existing or future facilities.
- 6.6 The National Transport Strategy “Transport an Engine for Growth” (2013) – the document identifies the need for transport infrastructure to be high performing, given that it is essential to everything we do - – “a transport system that is well maintained and run is essential for people and goods to travel quickly, reliably, safely securely and affordably as well as for transport to minimise its environmental impact”. This government strategy, which is committing £12 billion over six years to repair and improve the national road network to support the economy, confirms that the “economic benefits of good transport are well-understood”. It recognises that transport investment is important to secure sustainable growth by, amongst other things;
- Enabling business to reduce costs by moving people and goods more quickly, easily and reliably helping business to grow and be more competitive
 - Getting people to work quickly and creating more job opportunities as well as a more flexible labour market
 - Supporting exports by improving national and international links
- 6.7 The national policy also seeks to support a rebalanced economy to ensure sustainable prosperity by unlocking growth through transport investments and ensuring support for jobs whilst supporting improvements which avoid undue harm to the natural environment or public spaces whether by poor air quality, noise or visual effects. Improving access to public transport and its reliability as well as access to alternative modes of transport is also recognised as important.
- 6.8 The strategy concludes that it will take a concerted effort from the whole transport sector, local authorities and businesses to “realise the opportunity and make this vision a reality”.
- 6.9 The Scheme directly supports and conforms with the government's key planning and transport policies for the United Kingdom and the Scheme will enable the delivery of a sustainable transport link which will provide further benefits to the local economy, the environment, social inclusion and the promotion of sustainable transport improvements. The Scheme will directly

support the Liverpool City Region and the Maghull area by providing much improved access to land for development and job creation

- 6.10 As part of the commitment to the 'Northern Powerhouse', the government has established Transport for the North, which is leading the development of a Northern Transport Strategy, to ensure the alignment of transport investment with the wider economic objectives of the Northern Powerhouse. In their spring 2016 report on the Northern Transport Strategy, Transport for the North (TfN) states, 'The Northern Transport Strategy is fundamental to delivering the Northern Powerhouse. Investment in connecting the North's towns and cities into a single economy is essential to creating a transformed integrated Northern economy greater than the sum of its parts. This requires investment in the North's transport networks to better connect the major urban centres and economic assets of the North to market opportunities, including talented staff, suppliers, collaborators and customers, at home and abroad.'
- 6.11 The report goes on to say, 'The shared vision for roads, first stated in the March 2015 report, is for a faster, less congested strategic road network, which is crucial to delivering the Northern Powerhouse. Central to this vision was a resilient network of motorways and expressways increasingly offering a 'mile a minute' journey times linked seamlessly to local networks and key locations, including ports, airports and other logistics hubs.'
- 6.12 Although modest in its scale and impact, the Scheme is directly compatible with and contributes to the achievement of the vision of the Northern Transport Strategy.

Regional Objectives

- 6.13 The latest Liverpool City Region Growth Strategy was published in 2016, setting out a single, sustainable strategy to realise the ambitions of the City Region for economic growth over the next 25 years and to make the most of the devolution deal. The strategy will be delivered by focusing on three growth pillars, productivity, people and place. The productivity pillar is to maximise the potential of the City Region's sector strengths and related assets and the people pillar is to improve and increase skills. The place pillar is to improve the City Region's transport, energy and digital infrastructures and to protect and enhance cultural and environmental assets.
- 6.14 The Maritime and Logistics sector is one of the key sector strengths identified in the productivity pillar and is most directly relevant to the Scheme. The Growth Strategy identifies a vision for '*Key multi-modal and other logistics sites effectively linked to transport infrastructure with expansion and development opportunities.*' and goes on to identify a '*need for improved road and rail infrastructure, connectivity and capacity to key sites ... to enable their growth.*' The Strategy also identifies the importance of providing capacity on the regional transport network to support expansion of the freight and logistics centre. As such, the Scheme is directly compatible with and contributes to the delivery of the LCR Growth Strategy.

- 6.15 Investment in transport infrastructure and improving physical connectivity is an essential part of the place pillar in the Growth Strategy. The Strategy recognises that transport supports economic growth in many different ways and supports improved connectivity for investment and business but also access to work, education and training for people employed by those businesses. The Strategy builds on the objectives in the City Region Transport Plan for Growth and confirms the commitment to develop an integrated multi-modal transport system for the City Region which will deliver economic growth whilst reducing carbon. The Scheme is part of the City Region's Growth Plan programme and will contribute to the delivery of the LCR Growth Strategy.
- 6.16 The programme of major transport schemes across the City Region was developed as one of the most important ways of delivering the ambitions of TPfG. The Scheme was only included in the programme because it could demonstrate a clear and significant strategic fit with the objectives of TPfG.
- 6.17 The Scheme will contribute directly to four of the eight wider strategic priorities in the Liverpool City Region Transport Plan for Growth: Economic development and regeneration; Freight and logistics; Housing and infrastructure planning; and Connecting communities. The scheme will support economic development in the wider area, improving access to existing employment sites in Knowsley and along the A5036 and A59 corridors. It is located on the strategic freight network, on a key route to the Port of Liverpool and close to Knowsley Industrial Park and will therefore assist the freight and logistics sector. The scheme is designed to provide essential improvements to the existing highway network to address existing transport issues, but it is also a key infrastructure provision for future housing and employment development to the east of Maghull, supporting the housing and infrastructure planning priority. It also directly improves connections between communities, particularly for Maghull and Kirkby to the communities to the south of Switch Island, in Aintree and north Liverpool.
- 6.18 In addition, the scheme will provide a lesser and indirect contribution to health and wellbeing, through reducing accident casualties, carbon reduction and improvements in air quality, by reducing traffic congestion in parts of Maghull and to the visitor economy, through improving connections to Maghull and the countryside beyond the town.

Local Policy

- 6.19 The Sefton Local Plan is in its final stages of appraisal and consultation prior to adoption in 2017. The Proposed Modifications version of the Local Plan was published in June 2016 following receipt of the Inspector's Report on the Examination in Public that was completed early in 2016. Although the Plan has not been adopted yet, it is at a sufficiently late stage in the process that it has been used as the appropriate document to refer to in assessing the planning status of the Scheme.

6.20 The Scheme is identified throughout the Local Plan as a key infrastructure improvement. Paragraph 2.37 refers to the Scheme and Maghull North station as two infrastructure schemes funded through the City Region Growth Fund and supported by the Local Enterprise Partnership. Both schemes are also referred to in Paragraph 3.25 in relation to the Council's commitment to improving infrastructure and access.

7. Planning position and other approvals

7.1 Following discussions with HE, as the statutory agency responsible for managing the motorway network, it was agreed that the scheme did not meet the criteria for a Nationally Significant Infrastructure Project (NSIP) and would therefore be considered through the local planning process.

7.2 The Scheme is, therefore, subject to a formal Planning Application. The Council submitted a Pre Application Inquiry in April 2016. The advice received from the Council's Planning department concluded that 'In relation to the planning policy, this proposal is mentioned in Policy MN3 Strategic Mixed Use Allocation-Land East of Maghull of the Emerging Local Plan. Policy IN2 Transport of the Emerging Local Plan is also of relevance, as the upgrading of the motorway access at Junction 1 on the M58 is listed as requirement as part of seeking to secure an efficient and secure transport network for all users, including walking and cycling'. The advice concluded that 'in planning policy terms the proposal is acceptable in principle'.

7.3 In [] the Council submitted a full application for the scheme. It was considered and approved by the Council's Planning Committee on [] and Approval Notice [] was issued on [].

7.4 On [] the Council and HE completed the Section 6 Agreement

8. Funding Proposals

8.1 The Council, as sponsor for the Scheme, submitted an outline business case to the Liverpool City Region Local Transport Body ("LCR LTB") for funding to assist the delivery of the Scheme in December 2015. A full business case was submitted in March 2016 to LCR LTB and funding of £5.5m was approved by the Liverpool City Region Combined Authority at its meeting on 7 June 2016 and a formal offer of funding made on 8 July 2016. This offer was subsequently accepted by the Council. The funding awarded will meet the total costs of delivering the Scheme, including the costs of acquisition of any land interests, together with match funding which has been committed by the Council.

- 8.2 The Council has, through its Cabinet process, confirmed that funds are available to deliver the balance of the works within their respective areas now that Major Scheme Funding has been secured. At its meeting of the 3 September 2015 The Council's Cabinet confirmed that the Council would include the Scheme in its capital programme for 2016/17 as a priority against available resources. This was ratified by full Council at its meeting of the 17 September 2015. The Council will seek to recover its contribution to the scheme through developer contributions to the development proposals for the Land East of Maghull.
- 8.3 Accordingly, funding to deliver the Scheme will be available within the "life" of the CPO.

9. Justification for using compulsory purchase powers

- 9.1 [Sections 239, 240 and 246] of the 1980 Act will be employed to acquire the necessary land to construct and maintain the Scheme.
- Section 239 of the 1980 Act enables a highway authority to acquire land required for the construction of a highway (other than a trunk road) which is to become maintainable at the public expense as well as any land required for the improvement of a highway.
 - Section 240 of the 1980 Act enables a highway authority to acquire land required for the use in connection with the construction or improvement of a highway and the carrying out of a diversion or other works to watercourses.
 - Section 246 of the 1980 Act enables a highway authority to acquire land for the purpose of mitigating any adverse effect which the existence or use of a highway constructed or improved has or will have on the surroundings of the highway
- 9.2 The Council recognise 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 Council is satisfied that a compelling case exists here for the reasons set out in the preceding sections of this Statement.
- 9.3 The current issues associated with the area have been considered earlier in this Statement. The Scheme has been carefully designed to bring about improvements to the existing motorway junction whilst requiring the minimum amount of land necessary to deliver the Scheme.
- 9.4 Those affected by the CPO, including all freehold owners, occupiers and lessees have been invited to enter into discussions with the Council with a view to agreeing appropriate terms for the acquisition of the land and any new rights required to deliver the Scheme.
- 9.5 The Council has sought (and is continuing to seek) to acquire all of the third party interests in the CPO Order Land through negotiation. Whilst discussions are continuing with the outstanding owners and occupiers that remain within the CPO Order Land, it is unlikely that agreement will be reached with all interested parties within a reasonable timescale. The Council has determined to make the CPO to secure the outstanding interests and rights required to

enable the implementation of the Scheme to deliver the identified public benefits to the area. Discussions will however continue with those affected by the CPO in an endeavour to secure the land affected by the CPO, or rights over such land, by agreement with a view to limiting those interests which may need to be acquired compulsorily. This approach is in accordance with national guidance and best practice.

- 9.6 The Scheme seeks to improve traffic conditions by improving access to the strategic road network, reducing congestion and improving reliability of travel time. Currently Junction 1 only has two slip roads on the east side of the roundabout that only allows limited traffic movements. There are many disadvantages of not allowing 'all movements' at a motorway junction which is very close to vibrant communities and a thriving future economy. Limited movements require people to take longer routes with longer journey times which cause additional travel costs to the road users and may also inhibit economic growth.
- 9.7 A thriving economy can prosper on a strong and robust transport infrastructure that establishes the crucial connection between the local economy and the wider global market. The Scheme is therefore proposed on the basis of its importance to the wider community and its contribution towards the local, sub-regional and national economic prosperity. The business case for the Scheme was developed on the basis of the benefits that the Scheme will provide to existing traffic conditions in the area. It will also facilitate potential future development in the Maghull area.
- 9.8 The objectives of the Scheme have been developed from an understanding of the existing situation and by taking into consideration future traffic conditions. The objectives address the issues on the existing highway network in a specific, acceptable and realistic manner and take account of wider local, sub-regional and national policy objectives. The strategic objectives of the scheme are:
- **Promote sustainable economic development** through the provision of efficient surface access and improved connectivity to, from and between the town centres, Port of Liverpool, Knowsley Industrial Park area and other existing & future development areas and wider strategic road network;
 - **Provide significant economic benefit to the community** by reducing travel time for both commuters and business journeys;
 - **Promote improved productivity** by providing a quicker route and eliminating conflict with the local traffic;
 - **Provide a positive impact on local air and noise pollution** within Liverpool City Region by reducing congestion and providing better alternative routes; and
 - **Provide a safe corridor for traffic** by reducing potential vehicular conflict, hence reducing accident rates at the local and sub-regional level within the area of influence of the scheme.

- 9.9 The Scheme aims to address a number of current issues such as relieving congestion and delays on the A59 through Maghull Town Centre and on key routes to and from Knowsley Industrial Park. The implementation of 'West facing' slip roads will provide a greater route choice for travellers and deliver a vital infrastructure improvement that will allow the Council to achieve many of its local, regional and national policy objectives.
- 9.10 The Scheme will also contribute to the unlocking of key development opportunities, including major housing and commercial sites that will alleviate social, operational and economic impacts that currently exist within the local area.
- 9.11 If the scheme were not to progress the following impacts are predicted
- Congestion continues to worsen in Maghull / Kirkby / Knowsley
 - Increased vehicle queues
 - Increase in network unreliability
 - No improvement in access to employment, housing and social opportunities
 - Increased congestion results in increased carbon emissions, deterioration in air quality, increased noise and visual pollution
 - Businesses choose to invest elsewhere: LCR potentially loses out to Greater Manchester, Warrington and other regional competitors
 - Economic growth in Sefton (and wider LCR) is stifled
 - Increased travel costs to businesses (due to congestion / delay) that use the junction
 - Conditions deter business investment, impacts on local and regional economy
- 9.12 The Council is satisfied that the delivery of the Scheme is fundamental to the economic development and regeneration of the Liverpool City Region and Maghull and Kirkby in particular.
- 9.13 Funding has been secured to deliver the Scheme, if the land is available to do so. Although, as already stated, negotiations will continue with landowners affected by the proposals, the Council is satisfied that it is necessary to make the CPO in order to ensure that the land can be made available to deliver the Scheme in a timely and expedient manner should negotiations not be successful whilst enabling certainty in programming the delivery of the Scheme. Failure to deliver the Scheme in a timely manner may result in funding ceasing to be available and the benefits identified above would not be secured.

9.14 Following confirmation of the CPO the Council will utilise appropriate powers, either through the use of a Notice to Treat and Notice of Entry or by way of a General Vesting Declaration, to secure ownership of the CPO Order Land.

9.15 It is the Council's opinion that the proposed CPO is necessary to facilitate the delivery of the Scheme and that the statutory requirements for the use of compulsory purchase powers under the Highways Act 1980 have been met. The Order Land has been determined to be the minimum needed to deliver the Scheme and the Scheme has been designed carefully 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 Scheme 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.

10. Consideration of Human Rights Issues

10.1 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 other corporate bodies). In resolving to make the CPO, the Council considered the rights of the property owners affected by the CPO 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.*

10.2 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 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 Scheme.

10.3 As set out above, the Council considers that the Scheme 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 Scheme and the nature of the land interests affected, the Council considers 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 Scheme is progressed.

10.4 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 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.

11. Other Matters

11.1 Related Orders/Applications

11.1.1. As well as the CPO there will need to be related orders to enable the delivery of the Scheme.

11.1.2. A Side Roads Order pursuant to section 14 of the 1980 Act will be required to connect the new slip roads to the M58 motorway, which is a trunk road to be improved under the Scheme;

11.1.3. The section of Giddygate Lane on which the new slip road will sit will be subject to a public path diversion order to divert the footpath from the current Giddygate Lane to alongside the new slip road;

11.1.4. Traffic Regulation Orders will also be promoted by the Council to reflect the changes to the highway network that the Scheme will introduce. These will be promoted under the provisions of the Road Traffic Regulation Act 1984 and will not form part of the CPO process. However the provisions of the 1984 Act will require the proposed Traffic Regulation Orders to undergo a public consultation process before any orders are made.

11.2. Special Considerations affecting the Order Land

11.2.1. No listed buildings are directly affected by the CPO and none of the land that would be affected by the CPO is within a conservation area.

11.2.2. The land affected does not fall within any other designation of protected status, except for the Crown land already identified at paragraph 4.4 of this Statement. Rights to secure the Crown land have been secured pursuant to section 327 of the 1980 Act via the Section 6 Agreement.

11.2.3. Statutory undertaker's equipment will be affected by the proposed works. As the works are highways works, it is not proposed that any removal of apparatus will be required and affected undertakers will retain their apparatus in the adopted highway; some, however, will be required to be diverted to a new location. No operational land belonging to any statutory undertakers will be affected by the proposed Scheme and those affected will be asked to confirm this. In any event, provision exists for the relevant Minister to certify that land can be taken by way of compulsory purchase if he is satisfied that it would have no significant detrimental effect on the undertaking in question. In this case, the Secretary of State with authority to confirm the CPO (or to approve its confirmation by the Council) is the Secretary of State who would certify in respect of the undertaker affected.

11.2.4. Authority for the Council to complete elements of the Scheme on land managed by HE and designated as trunk road will be granted by Section 6 agreement.

11.3. Compensation Issues

11.3.1. As part of the compulsory purchase order process the Council has entered into discussions with the land owners and occupiers that would be affected if the CPO is confirmed. As part of those discussions the Council has sought to discuss compensation issues as well as seeking to agree to acquire any land needed to enable the Scheme by agreement with those affected.

11.3.2. These negotiations will continue to take place with the intention of seeking to acquire any land interests which may be needed to deliver the Scheme by agreement, rather than compulsorily wherever possible.

11.3.3. Provision is made by statute with regard to compensation for the compulsory purchase of land or interests in land as well as for the depreciation in the value of properties affected by the Scheme. More information is given in a series of booklets published by the Department for Communities and Local Government , namely;

- 11.3.3.1. Booklet 1 – Compulsory Purchase Procedure
- 11.3.3.2. Booklet 2 – Compensation to Business Owners and Occupiers
- 11.3.3.3. Booklet 3 – Compensation to Agricultural Owners and Occupiers
- 11.3.3.4. Booklet 4 - Compensation to Residential Owners and Occupiers
- 11.3.3.5. Booklet 5 – Reducing the Adverse effect of public development.

11.3.4. Copies of these booklets can be obtained online from <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance> or directly from the Department of Transport.

11.4. Contact Information

11.4.1. Owners and occupiers or tenants of properties affected by the proposed CPO, who wish to discuss the CPO and who want to understand how they may be affected by the CPO, or who wish to discuss the option of acquiring their interest in the land by agreement, should contact;

Andrew Dunsmore, Andrew.Dunsmore@sefton.gov.uk

11.4.2. Further information on the engineering aspects of the Scheme and the highway works which may be involved can be obtained by contacting:

Andrew Dunsmore, Andrew.Dunsmore@sefton.gov.uk

11.5. Inspection of documents

11.5.1. Documents and large scale plans can be inspected at the following locations:

| Building | Times |
|----------------------------------|-------------------------------|
| Sefton Council Magdalen House | 9am – 5pm Monday to Friday |

| | |
|--------------------------------------|--|
| 30 Trinity Road Bootle L20 3NJ | |
|--------------------------------------|--|

11.5.2 Copies of the documents can also be inspected at the following website **www.https://www.sefton.gov.uk/m58-junction-1-improvement-scheme.aspx**

12. Next Steps

12.1 Objections to the compulsory purchase order for the Scheme will be considered by the Secretary of State for Transport and he may, in appropriate circumstances, determine to call a public inquiry to consider any objections. Please note the deadline for receipt of representations set out in the Notice you have received.

12.2 Letters of support or objection to the CPO should be addressed to:

Secretary of State for Transport
National Transport Casework Team
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR
nationalcasework@dft.gsi.gov.uk

13. Documents to be Relied on at Inquiry

- 13.1 Sefton Council Cabinet report and minutes dated 03 September 2015.]
- 13.2 Sefton Metropolitan Borough Council (M58 Junction 1 Improvements) Compulsory Purchase Order 2017 and Order Map
- 13.3 M58 Junction 1 Improvements Scheme Full Business Case
- 13.4 Extracts from the National Planning Policy Framework (paragraphs 9, 21 and 31)
- 13.5 The National Transport Strategy “Transport an Engine for Growth” (2013)
- 13.6 Sefton Local Plan extracts (2016) (paragraphs 2.37, 3.25 and policies MN3 and IN2)
- 13.7 The Liverpool City Region Strategic Economic Plan (2014)
- 13.8 The Liverpool City Region Growth Strategy (2016)
- 13.9 The Liverpool City Region Transport Plan for Growth (2015)

- 13.10 Options Report for the Scheme
- 13.11 Extracts from the DMRB
- 13.12 DfT Criteria for Cost:Benefit analysis extracts
- 13.13 Sefton Supplementary Planning Document for Land to the East of Maghull
- 13.14 Planning Decision Notice
- 13.15 Section 6 Agreement with Highways England
- 13.16 Sefton Council Infrastructure Delivery