

Statement of Reasons

Highways Act 1980

Acquisition of Land Act 1981

**The Warrington Borough Council (A57
Liverpool Road/Lingley Green Avenue –
Junction Improvements) Compulsory
Purchase Order 2019**

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THE WARRINGTON BOROUGH COUNCIL (A57 LIVERPOOL ROAD/LINGLEY GREEN AVENUE – JUNCTION IMPROVEMENTS) COMPULSORY PURCHASE ORDER 2019

STATEMENT OF REASONS FOR MAKING THE COMPULSORY PURCHASE ORDER

1. INTRODUCTION

- 1.1 This is the Statement of Reasons (the "Statement") of Warrington Borough Council (the "Acquiring Authority") to support the making of the Warrington Borough Council (A57 Liverpool Road/Lingley Green Avenue – Junction Improvements) Compulsory Purchase Order 2019 (the "Order").
- 1.2 In preparing this Statement, the Acquiring Authority has endeavoured to provide sufficient information so that its reasons for making the Order can be properly understood.
- 1.3 This Statement has been prepared in accordance with:
 - 1.3.1 Department for Communities and Local Government "Guidance on Compulsory purchase process and the Crichel Down Rules" (February 2018) ("the Guidance");
 - 1.3.2 Department of Transport Circular 1/97 "Highways Act 1980: Orders Under Section 14 of the Highways Act 1980 and Opposed Orders Under Section 124 of that Act" (June 1997); and
 - 1.3.3 Department of Transport Circular 2/97 "Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State for Transport is the Confirming Authority" (June 1997).
- 1.4 The Acquiring Authority's purpose in seeking to make the Order is to facilitate the improvement of an existing highway junction, including localised widening of Liverpool Road (A57) and Lingley Green Avenue (A5280), known as Omega Local Highways Phase 2B (the "Scheme").
- 1.5 The Acquiring Authority considers the proposed highway junction improvements to be a Borough priority, as it is an opportunity to ease congestion, improve travel times and lessen the impact of traffic growth in the area.
- 1.6 The land proposed to be compulsorily acquired under the Order ("the Order Land") covers an area of land adjacent to the highway junction of Liverpool Road and Lingley Green Avenue, to the north west of the Warrington Borough.
- 1.7 The full extent of the Order Land is set out in greater detail in Section 7, and identified on the map accompanying the Order (the "Order Map") at Appendix 1. The land required for the entirety of the Scheme, including but not limited to the Order Land, is referred to throughout this Statement as "the Site" and is identified on the Improvements Plan appended at Appendix 2.
- 1.8 On 10 September 2018, the Executive Board of the Acquiring Authority resolved to make the Order, reserving to officers delegated powers to refine the Order and its associated ancillary documents. The Acquiring Authority has been making significant

steps to acquire the land needed by private treaty agreement and, whilst doing this, has retained in reserve the ability to bring forward compulsory purchase powers. Given the passage of time and the need to facilitate the Scheme coming forward, it has now become apparent that the Order must be progressed in parallel to ongoing negotiations, and subsequently submitted for confirmation to the Secretary of State for Transport ("the Secretary of State"), in order to facilitate the construction of the Scheme.

- 1.9 In reaching the decision to make the Order, the Acquiring Authority has had full regard to the Human Rights Act 1998 and is satisfied that any interference is reasonable and proportionate. Human rights issues are dealt with in detail in Section 10 of this Statement.
- 1.10 Department of Transport Circular 2/97 provides guidance on compulsory purchase orders for highway Schemes and states that the Secretary of State will not confirm a compulsory purchase order until he is satisfied that planning permission for the Scheme, to which the order relates, has been granted.
- 1.11 The Order seeks to acquire all legal interests in the land coloured pink on the Order Map as specified in the Schedule to the Order ("the Order Schedule"), which is attached at Appendix 3.
- 1.12 The Acquiring Authority is satisfied that the implementation of the Scheme requires the acquisition of the land as set out in the Order, Order Map and Order Schedule. The Acquiring Authority has made the Order to facilitate the implementation of the Scheme.
- 1.13 The Acquiring Authority has sought to notify all of those who have an interest in any of the land included within the Order and to acquire all of these interests by agreement where possible. It is clear, however, that compulsory purchase powers must be employed in this case in order to secure the delivery of the highway improvement proposals within a reasonable and realistic timescale.
- 1.14 In summary, this Statement:
 - 1.14.1 identifies the statutory powers under which the Order is made (Section 2);
 - 1.14.2 sets out the local context and background to the Scheme (Section 3);
 - 1.14.3 provides details of the Site and a description of the Scheme (Section 4);
 - 1.14.4 sets out the alternatives to the Scheme that have been considered (Section 5);
 - 1.14.5 describes the current planning position and strategic support for the Scheme (Section 6);
 - 1.14.6 describes the Order Land (Section 7);
 - 1.14.7 explains the need for the Order together with details of negotiations with

landowners (Section 8);

- 1.14.8 sets out how the Scheme is to be financed and timescales for implementation (Section 9);
- 1.14.9 deals with Human Rights issues (Section 10);
- 1.14.10 sets out the Related Orders and Special Category Land (Section 11) and;
- 1.14.11 sets out the arrangements for the inspection of documents and contact details for further information (Section 12).

2. STATUTORY POWERS UNDER WHICH THE ORDER IS MADE

- 2.1 The Guidance published by the Ministry of Housing, Communities and Local Government in February 2018 provides the latest advice in connection with the use of compulsory purchase powers.
- 2.2 In accordance with the Guidance, the purpose for which an authority seeks to acquire land will determine the statutory power under which compulsory purchase is sought. paragraph 11 advises that acquiring authorities should look to use *'the most specific power available for the purpose in mind, and only use a general power when a specific power is not available.'*
- 2.3 The Acquiring Authority has been seeking to negotiate the acquisition of the legal interests in the Site required for the proposed Scheme by agreement; however, a substantial part of the Site is still within private ownership and negotiations have not yet secured the necessary acquisitions. The Acquiring Authority is, therefore, utilising its powers under Sections 239, 240, 246 and 260 of the Highways Act 1980 (the "1980 Act") and Section 19 of, and Schedule 3 to, the Acquisition of Land Act 1981, for the acquisition of all of the remaining interests in the Order Land, required to facilitate the improvement of the highway.
- 2.4 Sections 239 and 240 relate to general powers of highway authorities to acquire land for the construction and improvement of highways. Section 246 provides a power to acquire land for mitigating the adverse effects of constructing or improving highways. Section 260 relates to the clearance of title to land acquired for statutory purposes.
- 2.5 The powers in the 1980 Act (and for the purposes of 2.5.5, the powers pursuant to Section 19 of the Acquisition of Land Act 1981) enable the Acquiring Authority to acquire land compulsorily for the following purposes:
 - 2.5.1 the improvement of the existing highway at the junction of the A57 Liverpool Road and the A5280 Lingley Green Avenue, including a widened carriageway to increase highway capacity;
 - 2.5.2 the use of land in connection with the improvement of the A57 Liverpool Road and the A5280 Lingley Green Avenue;
 - 2.5.3 the carrying out of drainage works in connection with the construction of highways;
 - 2.5.4 the mitigation of any adverse effects which the existence or use of any highway proposed to be constructed by the Acquiring Authority; and
 - 2.5.5 the discharging of Plot 4 from all rights, trusts and incidents to which it was previously subject in accordance with Section 19(3)(b) of the Acquisition of Land Act 1981, so far as the continuance of such rights, trusts and incidents would be inconsistent with the exercise of the land as adopted highway.
- 2.6 In accordance with paragraph 2 of the Guidance, the Acquiring Authority is using its

powers to compulsorily acquire the remaining interests as a matter of last resort, and efforts to acquire interests by private treaty will continue in parallel with this process during the course of the compulsory purchase order process.

- 2.7 Having regard to the nature of the proposals and the advice set out in the Guidance, the Acquiring Authority is satisfied that the powers available to it under the 1980 Act are the most appropriate powers to use in order to achieve its objectives.
- 2.8 The Acquiring Authority has taken full account of the Guidance in making this Order.

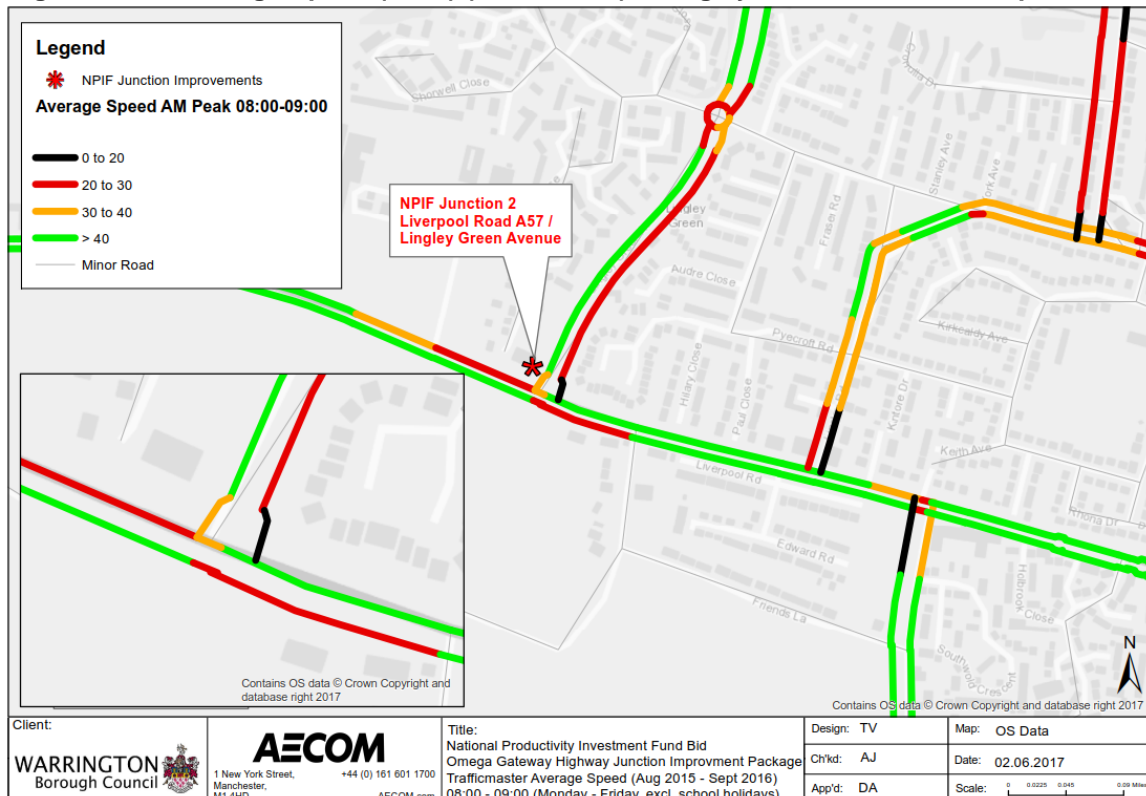
3. LOCAL CONTEXT AND BACKGROUND TO THE SCHEME

- 3.1 Warrington is a well-connected economy, sitting at the heart of the strategic road and rail network. It is serviced by nationally significant motorways, with the M6 immediately to the east and bordered on other sides by the M62 (to the north) and the M56 (to the south), providing good access to all parts of the region and beyond.
- 3.2 The Scheme is located in west Warrington, close to the Omega and Lingley Mere development sites, and forms part of a key highway corridor connecting these sites to Junction 7 of the M62 and the A57. The area has experienced major housing and employment growth in recent years with significant further expansion planned. Without intervention, existing congestion is predicted to worsen as development progresses.

Traffic Delay

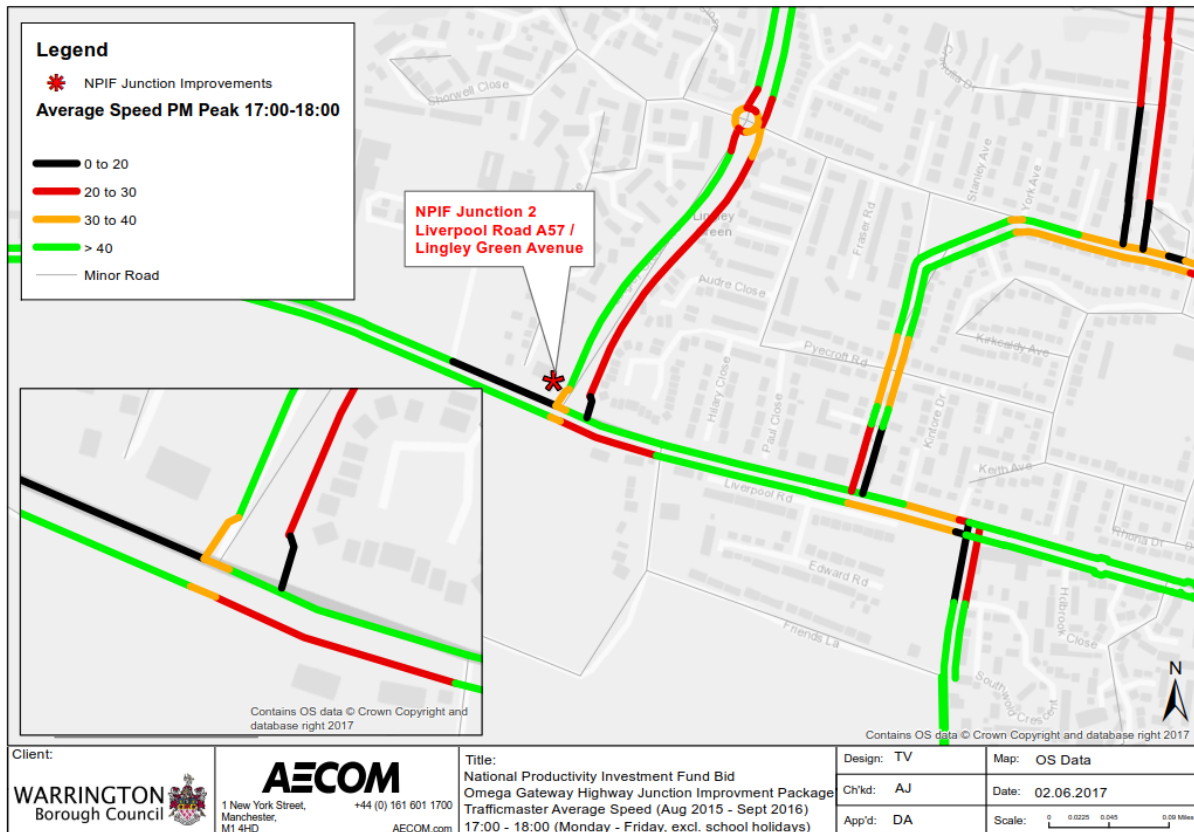
- 3.3 Trafficmaster journey time data is collected from in-vehicle fleet, LGVs, HGVs, buses and in-car vehicle GPS devices, to depict average speeds on the highway network. Figures 1 and 2 provide an illustration of the current level of congestion on the West Warrington local highway network, using Trafficmaster vehicle speeds as a proxy for network congestion during the AM and PM peak periods. Sections of the network where delay is experienced (slowest speeds) are highlighted in black and red links. Links that are highlighted orange and green experience the fastest speeds (more than 30kph).
- 3.4 Delay on Lingley Green Avenue extends approximately 400m back from Liverpool Road to the Park Road roundabout during both periods.

Figure 1: AM Average Speed (km/h) (08:00-09:00) – Lingley Green Avenue /Liverpool Road



Source: Extract from Omega Local Highway Gateways National Productivity Investment Funding Bid (June 2017)

Figure 2: PM Average Speed (km/h) (17:00-18:00) – Lingley Green Avenue /Liverpool Road



Source: Extract from Omega Local Highway Gateways National Productivity Investment Funding Bid (June 2017)

Junction Performance

- 3.5 The junction of Liverpool Road and Lingley Green Avenue is a three arm signalised junction. Traffic modelling was undertaken for the junction during the AM and PM peaks in the 2017 base and 2027 future years using LinSig, industry standard software for modelling signalised junctions. The future year assessment takes account of traffic growth from committed development in the vicinity of the junction. Two indicators, Degree of Saturation and Mean Maximum Queue have been used to assess the performance of the junction.
- 3.6 The Degree of Saturation ("DoS") indicates how much of the available link capacity is used in the modelled period by the demand flow. A link is predicted to operate within capacity if the DoS is 90% or less. DoS values higher than 90% indicate that the link cannot accommodate all of the demand within the time available, with the excess demand left in the queue.
- 3.7 The Lingley Green Avenue approach currently operates over capacity, with a DoS of over 90% in the AM and PM peaks. The degree of saturation is forecast to increase in the future assessment year of 2027, resulting in increased journey time delays.
- 3.8 The Liverpool Road eastbound approach is currently approaching capacity in the AM peak and is forecast to operate over capacity in 2027.
- 3.9 Whilst existing queues on the Lingley Green Avenue approach reach back to the Park Road roundabout junction to the north, in 2027 queuing is predicted to extend beyond

the Park Road roundabout and, therefore, block all approaches to the Park Road roundabout. Similarly, queues along Liverpool Road (eastbound) regularly extend back to the Warrington Borough Boundary with St. Helens (350m east of the junction) at present. Without intervention, these queue lengths would increase.

- 3.10 The modelling assessment is discussed in detail within the '*A57 Liverpool Road/Lingley Green Avenue Junction Modelling and Appraisal*' report included in Appendix 4 of this Statement.

Air Quality

- 3.11 A high level air quality assessment has been completed to derive the air quality benefits of the Scheme. Typical air quality analysis utilises changes in vehicle speeds and distance travelled. The modelling completed for this assessment is a simple single junction model, as LinSig does not provide specific point to point journey times, so deriving highly accurate assessment of air quality is difficult. The assessment calculated improvements in air quality utilising the total delays forecast by the model, through the calculation of reduction in total CO2 emissions.
- 3.12 The Scheme is forecast to result in the reduction of 6,608 tonnes of CO2 in the AM and PM peaks over a 60 year assessment period. Whilst the high level assessment did not consider impacts on PM10 and NOX, the Scheme would also have a positive impact by reducing the volume of emissions of these harmful gases.
- 3.13 The air quality assessment is discussed in detail within the '*A57 Liverpool Road/Lingley Green Avenue Junction Modelling and Appraisal*' report included in Appendix 4 of this Statement.

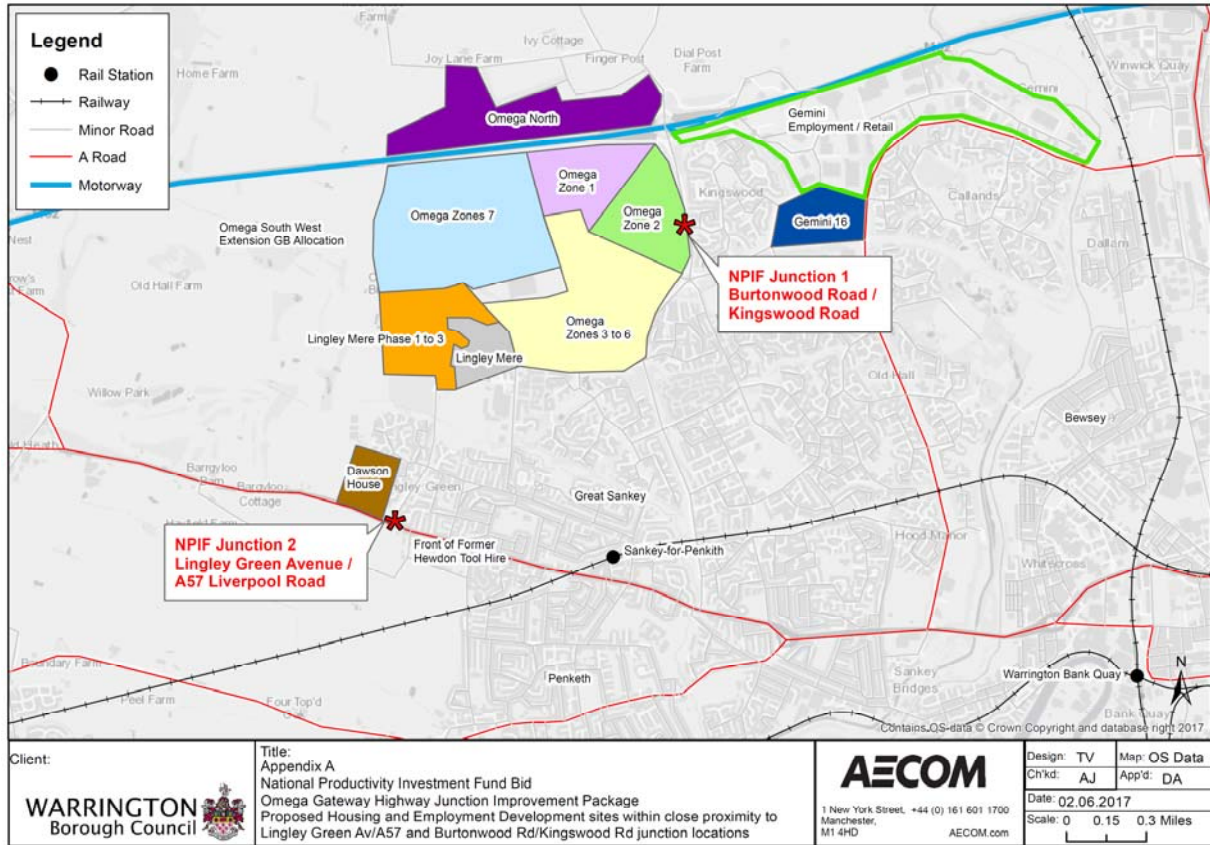
Value for Money

- 3.14 An estimate of the value for money of the Scheme has been calculated. The Scheme is forecast to provide benefits of 21 times that of the costs the Scheme.
- 3.15 The value for money assessment is discussed in detail within the '*A57 Liverpool Road/Lingley Green Avenue Junction Modelling and Appraisal*' report included in Appendix 4 of this Statement.

Development

- 3.16 The scale of the development within the west Warrington area requires improvements to the local highway network to ensure congestion does not act as a constraint on growth and quality of life factors. Figure 3 and Table 1 below show the location and scale of development within the vicinity of the Scheme.

Figure 3: Location of Consented Development in the Vicinity of The Scheme



Source: Extract from Omega Local Highway Gateways National Productivity Investment Funding Bid (June 2017)

Table 1: Consented Development in the Vicinity of the Scheme

Development Name	Planning Application Ref	Employment m ²	Jobs	Housing Units
Dawson House Development	2011/18949	-	-	140
Front of Former Hewden Tool Hire	2013/21598	-	-	5
OMEGA Zone 3 & 6	2015/26469	Small retail/ restaurant units	1,289	1,100
OMEGA Plot 7C	2015/26884	33,091 (B8)	-	-
OMEGA Plot 1A	2016/27588	10,858	-	-
OMEGA Zone 7	2014/23290	22,297	-	-
Lingley Mere Phase 1	2013/21109	10,908 (B1)	135	-
Lingley Mere Phase 3	2013/21109	800 (B1) 1,600 (B2) 13,000 (B8)	293	-
Lingley Mere	2016/22223	-	-	275
OMEGA South West Extension GB Allocation (Preferred Development Option)	-	tbc	tbc	tbc

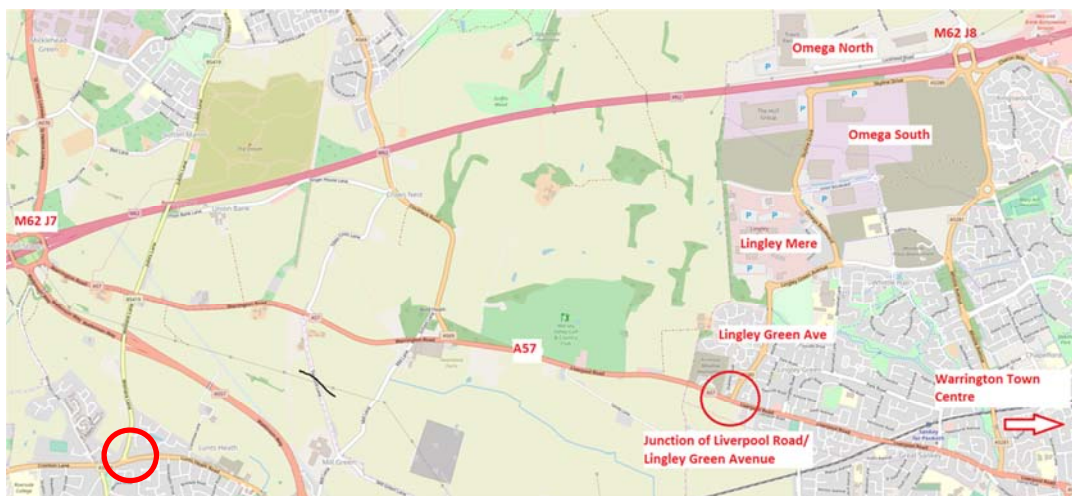
Source: Extract from Omega Local Highway Gateways National Productivity Investment Funding Bid (June 2017)

4. LOCATION AND DESCRIPTION OF THE SITE AND THE SCHEME

The Site

- 4.1 The Site where the Scheme is proposed to be developed is located in west Warrington, within the administrative area of Warrington Borough Council. The Scheme is within close proximity of the Omega and Lingley Mere sites (see Figure 4), and forms part of a key highway corridor connecting these sites to the M62 J7, and to the A57. The west Warrington area has experienced major housing and employment growth in recent years, with significant further expansion planned (identified in Section 3, Table 1 and Figure 3).

Figure 4: The Scheme Location Plan



© OpenStreetMap contributors

The Scheme

- 4.2 The Acquiring Authority's objectives for the Scheme, as outlined in the Acquiring Authority's National Productivity Investment Funding (NPIF) Bid are to:
- 4.2.1 Ease urban congestion;
 - 4.2.2 Unlock economic growth and job creation opportunities;
 - 4.2.3 Enable the delivery of housing development;
 - 4.2.4 Reduce CO2 Emissions; and
 - 4.2.5 Increase the number of cyclists.
- 4.3 The main highway works are of the improvement of the A57 Liverpool Road, on its northern side, by providing an additional, left turn, filter lane at the approach to its junction with the A5280 Lingley Green Avenue, and the repositioning of the outer northern footway. This would be achieved by extending the area occupied by the bus layby there and its northern footway towards the junction. An additional left turn lane is also to be provided within the eastern side highway verge of the A5280 Lingley Green Avenue, on its southern approach to the A57 Liverpool Road junction. Improved footway/cycleways either side of the Lingley Green Avenue carriageway would also be provided. The works constitute highway improvements and can be undertaken by the Acquiring Authority under its general improvement powers under Part V of the Highways Act 1980.

- 4.4 The Acquiring Authority is proposing to widen the existing southbound carriageway on Lingley Green Avenue on the approach to its junction with Liverpool Road for a distance of approximately 100m.
- 4.5 The Acquiring Authority is proposing to widen the existing eastbound carriageway on Liverpool Road on the approach to its junction with Lingley Green Avenue, for a distance of approximately 80m. The Scheme also includes the upgrade of existing pedestrian crossings to become wider pedestrian and cyclist toucan crossings on Liverpool Road and Lingley Green Avenue. The improvements comprise localised widening of Lingley Green Avenue
- 4.6 The widening of Liverpool Road, i.e., the placing of the northernmost outer boundary of its footway runs parallel with the southern fence line of No. 68 Shanklin Close and, immediately to the east of this, joins an urban public footpath. There are also three paths which lead off Liverpool Road and Lingley Green Avenue to The Trigger Pond Public House. Largely, these sit within the existing highway boundary at the junction of Liverpool Road and Lingley Green Avenue. Where the paths are within the existing highway boundary, the works there will once again be dealt with as a highway improvement under general improvement powers. None of the paths are to be stopped up and each is simply to be set back adjacent to the improved footway/cycleway of the A57/A5280. The public footpath to the properties at Shanklin Close and any private pedestrian means of access to the Trigger Pond Public House will remain at their current positions, set back, on the improvement highway boundaries and, as such, there is no requirement to stop them up.
- 4.7 In detail, the Scheme comprises:
- 4.7.1 Localised widening of the A5280 Lingley Green Avenue (Southbound) for a distance of 100m to form separate left and right turn lanes at the stopline;
 - 4.7.2 Localised widening of the A57 Liverpool Road (eastbound) for a distance of 80m to form separate left and ahead lanes at the stopline;
 - 4.7.3 Upgrade of existing pedestrian crossing on Lingley Green Avenue to a toucan crossing (suitable for both pedestrians and cyclists);
 - 4.7.4 Relocation and upgrade of the existing pedestrian crossing to a toucan crossing on Liverpool Road to the east of Lingley Green Avenue;
 - 4.7.5 Retention of existing advanced stoplines for cyclists; and
 - 4.7.6 Provision of additional dropped kerbs to facilitate use of toucan crossings for cyclists.
- 4.8 The proposed improvements at the junction of Liverpool Road/Lingley Green Avenue aim to reduce journey times and queues at the junction by providing additional highway capacity. The improvements seek to improve current congestion issues and to mitigate the impact of additional traffic movements resulting from the future growth of Warrington.

5. ALTERNATIVES TO THE SCHEME

- 5.1 The Acquiring Authority has considered 6 options to alleviate the traffic problems in this area of Warrington. An Options appraisal (Table 2) was undertaken based on the Scheme objectives (Department for Transport National Productivity Investment Fund and Local Transport Plan) and key deliverability criteria.
- 5.2 The cost and land take required to deliver the options increases progressively between "Do nothing" (no cost) and Option 4 (highest cost) options, due to the increasing scale of improvements. As the scale of improvements increases, journey time savings also increase through the junction; however, a balance between value for money, deliverability and predicted traffic levels needs must be struck. The alternative options considered as part of the development of the Scheme are set out below:
- 5.2.1 Do nothing: not providing a solution to ease congestion would be publicly unacceptable and would not align with the Scheme objectives;
 - 5.2.2 Option 1: this option provides some journey time benefit but only partially deals with future predicted growth and, hence, does not fully meet the Scheme objectives;
 - 5.2.3 Option 2: widening of Liverpool Road creates additional journey time benefit over Option 1 and provides closer alignment to the Scheme objectives;
 - 5.2.4 Option 2A: additional length of widening on Liverpool Road provides a larger reduction in queue lengths and stronger alignment with the Scheme objectives;
 - 5.2.5 Option 3: this option requires increased third party land on Liverpool Road and provides little additional benefit in terms of journey time savings over Option 2A;
 - 5.2.6 Option 4: extensive third party land is required to deliver the scheme, involving liaison with several land owners, as well as being the most costly option.
- 5.3 Option 2A is considered to provide a balance of meeting the Scheme objectives whilst providing value for money.

Table 2: Alternative Options Appraisal

Options Appraisal	Do -Nothing	Option 1	Option 2	Option 2A	Option 3	Option 4
	Do Nothing: existing network arrangements to be maintained	Additional 100m long Left Turn on Lingley Green Avenue	As Option 1 and short 11m long left turn lane on the A57 Liverpool eastbound approach arm	As Option 1 and 80m long left turn lane on the A57 Liverpool eastbound approach arm	As Option 1 with 100m long left turn lane on the A57 Liverpool eastbound approach arm	As Option 3 with two right turn lanes out of Lingley Green Avenue and 100m right turn lane on A57 Westbound
Scheme Objectives						
Ease Urban Congestion	✘	✓✓	✓✓✓	✓✓✓	✓✓✓	✓✓✓
Unlock economic growth and job creation opportunities	✘	✓	✓✓	✓✓✓	✓✓✓	✓✓✓
Enable the delivery of housing development	✘	✓	✓✓	✓✓✓	✓✓✓	✓✓✓
Improve Air Quality and/or CO2 emissions	✘	✓	✓✓	✓✓✓	✓✓✓	✓✓✓
Deliverability Criteria						
Third party land take	n/a	1 landowner	1 landowner	3 landowners	3+ landowners	3+ landowners
Affordability	n/a					
Engineering Feasibility	n/a					
Stakeholder Acceptability						
Stats	n/a					
Programme	n/a					
Option Assessment Outcome						
Recommendation	No	No	No	Yes	No	No

* ✓ – Slight Alignment; ✓✓ – Moderate Alignment; ✓✓✓ – Strong Alignment

Low Impact
 Medium Impact
 High Impact

- 5.4 A formal public engagement exercise ran between 19 February and 16 March 2018, which consulted on Option 2A. The majority of respondents (78%) who completed a feedback questionnaire on the proposals were in favour of the proposals. No changes to Option 2A have been made following this consultation as no specific changes were proposed.
- 5.5 Full details of the format of the consultation and feedback received are contained within the Liverpool Road/Lingley Green Avenue Junction improvements Consultation Report (Appendix 5).

6 PLANNING CONSIDERATIONS

6.1 In making the Order, the Acquiring Authority has had regard to national planning policy and other relevant local policy and guidance.

6.2 At both a strategic and local planning policy level there is support for the Scheme, as detailed below.

National Transport Objectives

6.3 The key drivers for transport investment associated with the Scheme align with national transport objectives aimed at improving the economy, environment and society.

National Planning Policy Framework (2018)

6.4 The National Planning Policy Framework ("NPPF") sets out the Government's planning policies for England and how they are expected to be applied. The NPPF identifies three mutually dependent dimensions to achieving sustainable development, including the economy, environment and society. These are the three tenets against which major transport infrastructure projects are currently assessed in planning terms.

6.5 The NPPF outlines a focus on building a strong and competitive economy, acknowledges the role of transport in facilitating development and contributing to wider economic growth, sustainability and health objectives. Additionally, the NPPF has a focus on the support of sustainable travel, enabling a reduction in Greenhouse Gases and congestion.

6.6 The Scheme aligns with the principles of the NPPF by aiding the delivery of a strong competitive economy.

National Infrastructure Plan 2014

6.7 In addition to the above, the National Infrastructure Plan 2014 ("NIP") emphasises the role that high quality infrastructure plays in providing opportunity to boost output, productivity, growth rates and competitiveness, as well as enhancing capacity to unlock economic potential in individual regions. As part of the plan, the Government aims to:

- a) Increase road capacity;
- b) Tackle congestion;
- c) Support development;
- d) Strengthen connectivity; and
- e) Improve reliability and resilience, enabling improvements to productivity, which is considered a vital element of the Government's Economic Plan.

6.8 The Scheme directly contributes to the aims of the NIP, providing increased road capacity, tackling congestion, strengthening connectivity, enhancing network resilience.

The Northern Powerhouse: One Agenda, One Economy, One North

- 6.9 In March 2015, a joint publication from Government, Northern City Regions and LEPs, working together with Highways England, Network Rail and HS2, set out the vision and ambitions for the North, unveiling its report on the Northern Transport Strategy. Subsequently, Transport for the North ("TfN") was formed in order to transform the transport system across the north of England, providing the infrastructure to provide economic growth. TfN is the first sub-national transport body, bringing together 19 local transport authorities.
- 6.10 The vision for the North is for a vibrant and growing economy; a magnet for inward investment, which capitalises on the strengths of the Northern cities, supported by state-of-the-art transport connections to clusters of thriving businesses. To achieve the vision, there will be a need for a package of measures and transformative transport interventions, which promote better connections between people and jobs.
- 6.11 TfN has published a draft Strategic Transport Plan ("STP") with the key objectives to:
- a) increase efficiency, reliability and resilience in the transport system
 - b) transform economic performance
 - c) improve access to opportunities across the North
 - d) promote and support the built and natural environment
- 6.12 Warrington is identified as a significant economic centre within the North, and improvements to the connectivity of Warrington by road and rail are an integral part of the STP. The emerging vision for the Northern Powerhouse Rail network features a new route between Liverpool and Manchester Airport, and a link between Liverpool and Crewe to connect with HS2. Both of these routes are via Warrington.
- 6.13 The Scheme is located on the strategic road network and will improve connectivity to Warrington Town Centre.

Local Strategies

- 6.14 The preceding paragraphs outline how the Scheme could contribute to the Acquiring Authority's local strategic aspirations, including reference to the following key policy documents:
- a) Warrington Borough Council Corporate Strategy 2018-20;
 - b) Warrington Local Plan Core Strategy;
 - c) Local Transport Plan 3 - One Warrington: One Future Local Transport Plan;
and
 - d) Warrington Means Business.

Warrington Borough Council Corporate Strategy 2018-20

- 6.15 The Strategy (Appendix 6) outlines the Acquiring Authority's vision for Warrington up to 2020. The Acquiring Authority intends to work with residents, businesses and partners to make Warrington a place where everyone can thrive, whilst dealing with the major challenge of reductions in funding and increased demand for services.

- 6.16 The Strategy identifies the need to invest in, maintain and build Warrington's economic and environmental infrastructure, in order to grow a strong economy. The scheme directly supports this priority by improving access to Warrington and within Warrington.

Local Transport Plan 3 - One Warrington: One Future Local Transport Plan

- 6.17 The Local Transport Plan 3 - One Warrington: One Future Local Transport Plan ("LTP3") complements the Local Plan, setting out a strategic framework to guide future provision of transport services for Warrington between 2011 and 2030. The plan focuses on transport issues, with the most importance at local level and is structured around seven core themes, including: active travel; public transport; managing motorised travel; smarter choices; safety and security; asset management; and network management.
- 6.18 The network management theme within the LTP3 reaffirms the Acquiring Authority's responsibility with regard to the 'safe and expeditious movement of traffic' as outlined in the Traffic Management Act 2004. The Scheme will reduce journey times within the West Warrington area and for journeys to/from Warrington Town Centre via the scheme. Table 3 outlines the alignment of the Scheme with the LTP3 objectives.

Table 3: LTP3 Objectives – Alignment with Scheme

LTP3 Objectives: To build and manage a transport	Alignment
Enables the regeneration of the Borough and supports economic growth.	<ul style="list-style-type: none"> ✓ Facilitates regeneration of west Warrington ✓ Reduced congestion and journey time improvements support existing businesses at Omega and Lingley Mere
Maintains the highway, minimises congestion for all modes of travel and enables Warrington's	✓ Improvements aim to minimise road congestion and enhance resilience for local highway network
Improves neighbourhoods and residential areas.	✓ Supports access to residential development within west Warrington
Enhances the image and profile of the place.	✓ Facilitates development opportunities within west Warrington. Enhances profile of Warrington as place to do business.
Reduces the impact of traffic on air quality in Warrington and helps to reduce carbon emissions and tackle climate change.	The Scheme is forecast to reduce CO2 emissions by 6,608 tonnes in the AM and PM peaks over a 60 year assessment period.

Warrington Means Business (2017)

- 6.19 Warrington Means Business (Appendix 7) sets out the Acquiring Authority's programme and intent to drive, progress, encourage and facilitate future economic growth for Warrington, reinforcing the area as a strong national driver of prosperity.
- 6.20 Warrington Means Business includes a vision to connect economic growth by providing new transportation infrastructure and delivering improvements to the existing infrastructure to support and facilitate economic growth. The Scheme directly supports this theme by improving access between the Omega and Lingley Mere employment areas (as identified in Figure 4) to the M62 Junction 7 and to Warrington Town Centre.

Planning Permission

- 6.21 It is considered that under Schedule 2, Part 9 of the Town and Country Planning (General Permitted Development (England) Order 2015 ("the GPDO") the proposed works required to deliver the Scheme meet the criteria for Class A permitted development. Class A prescribes that development will be permitted where it constitutes development carried out by a highway authority:

"(a) on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b) of the Act; or

(b) on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway."

- 6.22 The Council is the Local Highway Authority for the Borough of Warrington. Liverpool Road and Lingley Green Avenue are existing highways and the improvements described in paragraph 4.3 - 4.7 adjoin the existing highway boundary. The Scheme will provide improvements to journey times, queue lengths and pedestrian and cyclist amenity. As such, the Scheme is compliant with the requirements of the GPDO.
- 6.23 In accordance with the GPDO, the Scheme does not require planning permission; however, the Acquiring Authority took the decision to submit an application for a Certificate of Lawfulness of Proposed Use or Development ("CLOPUD") under Section 192 of the Town and Country Planning Act 1990 (as amended). The CLOPUD was granted on 9 November 2018 (Appendix 8).

Summary

- 6.24 It is clear when examining the planning context that there is strong alignment between the priorities that have been defined at the local and sub-regional level, and those that underpin the Government's transport policy at a national level. This includes the need to build a strong and competitive economy, enhance connectivity and access to employment opportunities.
- 6.25 There is also acknowledgement of the key contribution that infrastructure schemes

play in unlocking regeneration or housing projects in local areas, underpinned by the principles of sustainable development. It is clear that the Scheme development and appraisal is consistent with another of the Government's core objectives: to provide value for money in the provision of transport infrastructure.

- 6.26 The Scheme is permitted development and a CLOPUD has confirmed that. As such, there are no planning impediments to the Scheme.

7. THE ORDER LAND

- 7.1 The Order Land consists of 4 plots of land within a number of different ownerships, including freehold, leasehold and occupational interests. The full extent of the Order Land is set out in the Order Map, with interests to be acquired shown in pink shading. The Order Schedule sets out the details of those interests. Details of the negotiations with the affected parties to date are detailed in Section 8 of this Statement.

Land required for the Scheme

Lingley Green Avenue: Plot 1

Wainhomes (Southwest) Limited

- 7.2 This section comprises of existing grass verge adjoining the existing highway boundary. This plot is required in order to widen the existing Lingley Green Avenue southbound carriageway.
- 7.3 Plot 1 is burdened by the reservation of rights to access and connect to / establish utilities connections pursuant to a transfer dated 29 November 1991, which benefits all successors in title of land transferred out of title number CH243930. This would mean that any successor in title to the entirety of the adjoining housing estates technically has the benefit of such rights.
- 7.4 The full extent of the properties technically benefitting from these rights is difficult to identify but likely to be substantial. From a legal analysis of the title to the land, the practical reality is that the vast majority of these properties do not derive, and could not derive, any benefit from these technical rights over the land that the Acquiring Authority is to acquire, by virtue of being geographically separated from this by other land.
- 7.5 A headline review of searches in respect of utilities apparatus suggest that other, more appropriate means of utilities connection outside of the land to be acquired by the Acquiring Authority either would be available or have already been established. As such, the Acquiring Authority has taken the decision that it would be disproportionate to include in the Order Schedule c.400 properties which have been transferred out of title number CH243930, as there will be no practical impact on the beneficiaries of those rights post-Scheme.

Liverpool Road: Plots 2-4

Marston's Pubs Limited

- 7.6 Plot 2 is within the boundary of The Trigger Pond public house and premises, and the required land comprises private footpaths and a grassed area situated to the north of Liverpool Road. This plot is required to accommodate widening of the existing Liverpool Road eastbound carriageway. The private footpaths to The Trigger Pond will remain at their current positions, set back, on the improvement highway boundaries.

Wainhomes (Southwest) Limited

- 7.7 Plot 3 comprises a grassed area to the north of Liverpool Road and is required to accommodate widening of the existing Liverpool Road eastbound carriageway.

Unknown Subsoil Ownership, Wilcon Homes Northern Limited and Discharge of Rights

- 7.8 Plot 4 is owned by the Acquiring Authority pursuant to a transfer dated 8 May 2002 and made between (1) Wilcon Homes Northern Ltd and (2) Warrington Borough Council; however, this transfer excludes mines and minerals, the ownership of which is unknown. The plot is currently a grassed area of public open space and is required to accommodate widening of the existing Liverpool Road Eastbound carriageway, which will involve intrusion into the subsoil. As such, the subsoil of Plot 4 is required.

- 7.9 Plot 4 appears from investigation to be held by the Acquiring Authority as public open space land, and is subject to a restrictive covenant not to use the land other than as public open space pursuant to a 2002 transfer, the beneficiary of which is Wilcon Homes Northern Limited. This land is subject, pursuant to Section 19 of the Acquisition of Land Act 1981, to special parliamentary procedure unless the Secretary of State for Housing, Communities and Local Government is satisfied as to one of a number of exemptions. Section 19(1)(b) specifies that the special parliamentary procedure is unnecessary if the Secretary of State for Housing, Communities and Local Government certifies that:

"...the land does not exceed 250 square yards in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public..."

- 7.10 The land within Plot 4 is described in the Order Schedule as 194 square metres of land, which equates to 232 square yards. This plot is adjacent to the existing Liverpool Road and is also required for the widening of the highway as part of the Scheme. Both of these elements fit cleanly into the exemption within Section 19(1)(b).
- 7.11 Plot 4 is an area of grassed land, with some decorative planting immediately adjacent to the public footpath leading to Shanklin Close. Given the proximity of this piece of land to the A57 Liverpool Road, a major road with high traffic volumes, the likelihood of this piece of land being used for any form of recreation by members of the public is very low, but is nonetheless still possible. On this basis, and as it appears to be held as public open space, the Acquiring Authority has taken the decision to proceed with caution and on the basis that this area of land may fall into the definition of open space as per Section 19 of the Acquisition of Land Act 1981.
- 7.12 The rights that are likely to be being exercised are by residents of the adjacent housing estate and patrons of the Trigger Pond Public House (this area effectively

capable of being treated as an extension of the beer garden of the Public House, though separated by fencing). Due to the proximity of the area to the highway, the only rights that are likely to be exercised are in relation to passage over the area and recreation and assembly (e.g., picnics, seating etc.) relating to the use of the Trigger Pond Public House. It is highly unlikely that any rights to play sports or pastimes are being exercised in this location, as to do so would risk safety to members of the public.

- 7.13 Post-Scheme, there will still be a grassed area adjacent to the improved, widened highway that will be available for the use of the public. As such, and given the lack of evidence that the land is being used for recreational purposes, the Acquiring Authority is of the opinion that the giving of exchange land is unnecessary in the circumstances.
- 7.14 As detailed further in Section 11, the Acquiring Authority will be making an application to the Secretary of State for Housing, Communities and Local Government for a certificate pursuant to Section 19(1)(b) in parallel to the submission of the Order for confirmation to the Secretary of State for Transport. As a consequence of this, the Acquiring Authority also seeks as part of the Order the discharging of Plot 4 from all rights, trusts and incidents to which it was previously subject in accordance with Section 19(3)(b) of the Acquisition of Land Act 1981, so far as the continuance of such rights, trusts and incidents would be inconsistent with the exercise of the land as adopted highway.

8. NEED FOR THE COMPULSORY PURCHASE ORDER

Appropriateness of Powers

- 8.1 The Acquiring Authority's Scheme for the improvement of the road network is clearly within the scope of the compulsory purchase powers as set out in Sections 239, 240 and 246 of the 1980 Act. There are no new rights to be acquired (hence no inclusion of Section 250 of the Highways Act 1980), as all plots included within the Order are required in their entirety and so are included in the Order Map as "pink land", with no "blue land" denoting the acquisition of new rights. The inclusion of Section 260 of the Highways Act 1980 has been made in the Order to account for any land that may be acquired by private treaty negotiation for the statutory purpose of improving the highways as part of the Scheme, between the making of the Order and the confirmation/implementation of the Order, to ensure that title is appropriately cleansed, as may be required.

The Public Interest Test

- 8.2 Paragraph 2 of the Guidance advises that a compulsory purchase order should only be made where there is a compelling case in the public interest. The Acquiring Authority is fully satisfied that this requirement is met and that this has been demonstrated within this Statement of Reasons. The Scheme will provide various benefits to the public, which are summarised below:
- a) Reduction in traffic congestion and improvement journey times which translates into a very high benefit of 21 times that of the costs the Scheme;
 - b) Improvement in air quality by reducing stationary and slow moving traffic, which is a contributor to poor air quality;
 - c) Improved cycle crossing facilities in the form of toucan crossings;
 - d) Increased development opportunities arising from the improvement in highway capacity, in order to meet needs such as housing demand in the Borough; and
 - e) Improved access between M62 junction 7 and west Warrington and Warrington Town Centre
- 8.3 For the reasons stated above, the Acquiring Authority considers that there is a compelling case in the public interest for the making and confirmation of the CPO to secure the Order Land required for the purpose of implementing and delivering the Scheme.

Need for the Order Land

- 8.4 The Acquiring Authority is seeking to acquire the Order Land, wherever possible, by means of agreement rather than by compulsory purchase and has sought to discuss/negotiate with owners and occupiers to achieve this end. It has fully considered the Guidance, which relates to the justification for a compulsory purchase order, in order to determine whether there is a compelling case in the public interest to compulsorily acquire and use land for the purposes of the Scheme. It is considered that a compelling case exists here.
- 8.5 The Acquiring Authority's approach is to only acquire land compulsorily where it is strictly needed to ensure successful delivery of the Scheme in accordance with best engineering and environmental practices.
- 8.6 The Acquiring Authority has given careful consideration to the reasons as to why it is necessary to include the land shown on the Order Map and described further in Section 7 of this Statement. All freehold owners, lessees and occupiers affected by the Order have been invited to enter into discussions with a view to agreeing appropriate terms for acquisition of the land required.
- 8.7 The Acquiring Authority has a very clear idea how it will use the land it intends to acquire, and has the necessary resources to acquire the interests needed for the Scheme.

Attempts to Acquire by Agreement

- 8.8 The Acquiring Authority is seeking to acquire the Order Land wherever possible by means of agreement in accordance with the Guidance. During the preparation of the Order, it has fully considered the Guidance, in particular those sections which relate to the acquisition of land by agreement. These are set out below:

8.8.1 *What are the benefits of undertaking negotiations in parallel with preparing and making a compulsory purchase order? (Paragraph 17)*

Undertaking negotiations in parallel with preparing and making a compulsory purchase order can help to build a good working relationship with those whose interests are affected by showing that the authority is willing to be open and to treat their concerns with respect. This includes statutory undertakers and similar bodies as well as private individuals and businesses. Such negotiations can then help to save time at the formal objection stage by minimising the fear that can arise from misunderstandings.

Talking to landowners will also assist the acquiring authority to understand more about the land it seeks to acquire and any physical or legal impediments to development that may exist. It may also help in identifying what measures can be taken to mitigate the effects of the Scheme on landowners and neighbours, thereby reducing the cost of a Scheme. Acquiring authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted, save for lands where land ownership is unknown or

in question.

8.8.2 Can alternative dispute resolution techniques be used to address concerns about a compulsory purchase order? (Paragraph 18)

In the interests of speed and fostering good will, acquiring authorities are urged to consider offering those with concerns about a compulsory purchase order full access to alternative dispute resolution techniques. These should involve a suitably qualified independent third party and should be available wherever appropriate throughout the whole of the compulsory purchase process, from the planning and preparation stage to agreeing the compensation payable for the acquired properties.

The use of alternative dispute resolution techniques can save time and money for both parties, while its relative speed and informality may also help to reduce the stress which the process inevitably places on those whose properties are affected. For example, mediation might help to clarify concerns relating to the principle of compulsorily acquiring the land, while other techniques such as early neutral evaluation might help to relieve worries at an early stage about the potential level of compensation eventually payable if the order were to be confirmed.

8.8.3 What other steps should be considered to help those affected by a compulsory purchase order? (Paragraph 19)

Compulsory purchase proposals will inevitably lead to a period of uncertainty and anxiety for the owners and occupiers of the affected land. Acquiring authorities should therefore consider:

- providing full information from the outset about what the compulsory purchase process involves, the rights and duties of those affected and an indicative timetable of events; information should be in a format accessible to all those affected;*
- appointing a specified case manager during the preparatory stage to whom those with concerns about the proposed acquisition can have easy and direct access;*
- keeping any delay to a minimum by completing the statutory process as quickly as possible and taking every care to ensure that the compulsory purchase order is made correctly and under the terms of the most appropriate enabling power;*
- offering to alleviate concerns about future compensation entitlement by entering into agreements about the minimum level of compensation which would be payable if the acquisition goes ahead (not excluding the claimant's future right to refer the matter to the Upper Tribunal (Lands Chamber));*
- offering advice and assistance to affected occupiers in respect of their relocation and providing details of available relocation properties where appropriate;*

- *providing a 'not before' date, confirming that acquisition will not take place before a certain time;*

- *where appropriate, give consideration to funding landowners' reasonable costs of negotiation or other costs and expenses likely to be incurred in advance of the process of acquisition.*

- 8.9 In accordance with the Guidance, all owners and occupiers with an interest in land have been approached to ask if they would be prepared to enter into negotiations with the Acquiring Authority for the purchase of their respective interests.
- 8.10 Detailed negotiations are taking place with a number of landowners and occupiers, however, the Acquiring Authority has concluded that acquisition by agreement is unlikely to occur in all cases or, in any event, within sufficient time to ensure that the programme for the construction of the Scheme is met.
- 8.11 Discussions are continuing with owners of relevant interests, in an endeavour to secure them by agreement, wherever possible, with a view to limiting the number of interests which need to be acquired compulsorily. The approach adopted by the Acquiring Authority is in accordance with the policy advice and recognised good practice. Further information on the status of negotiations to date is set out in Section 8.14 onwards below.
- 8.12 In accordance with paragraph 18 of the Guidance, where the Acquiring Authority has been unable to reach agreement with landowners and occupiers, it will offer alternative dispute resolution to enable agreement on compensation to be reached. The Acquiring Authority will also offer information on the Scheme, a case manager, and reassurance on fees, in accordance with paragraph 19 of the Guidance.
- 8.13 The Order will be made to secure the outstanding interests required to enable implementation of the Scheme, necessary to achieve the Acquiring Authority's objectives for the area.

Negotiations with Affected Landowners

- 8.14 The Acquiring Authority has sought to engage in private treaty negotiations with key landowners. Brief details of the negotiations that have been undertaken to date are further outlined below.
- 8.15 Representatives of the Acquiring Authority have met with Wainhomes (Southwest) Limited and discussions are progressing regarding the acquisition of the required land. Representatives of the Acquiring Authority have also met with Marston's Plc and terms for acquisition are close to being agreed. All other plot owners have been made aware of the proposed Scheme and discussions regarding the acquisition of land have commenced.

Conclusions

- 8.16 As set out within this Section 8, the Acquiring Authority considers it has demonstrated that there is a compelling case in the public interest whereby the public benefit will outweigh any private loss. Interference with rights under the European Convention on Human Rights (as further set out in Section 10) is considered to be justified, in order to secure the benefits that the Scheme will bring.
- 8.17 It is, therefore, considered that the use of compulsory purchase powers is both necessary and proportionate, and that there is a compelling case in the public interest for the making and confirmation of the Order. It is considered that the Order does not constitute any unlawful interference with individual property rights. The compulsory purchase process enables objections to be submitted and a Local Public Inquiry to be held to consider those objections.
- 8.18 The parties directly affected by the Order will be entitled to compensation in accordance with the Compensation Code, which is the collective term used for the principles set out in the Land Compensation Act 1961, the Compulsory Purchase Act 1965, the Land Compensation Act 1973, the Planning & Compulsory Purchase Act 1991 and the Planning & Compulsory Purchase Act 2004. This is supplemented by case law relating to compensation for compulsory acquisition, and the recent provisions relating to compulsory purchase contained in the Housing and Planning Act 2016 and the Neighbourhood Planning Act 2017.
- 8.19 All of the Order Land is required in order to deliver the Scheme, and there is no certainty that the necessary land and interests can be assembled by agreement within a reasonable period. As such, the Order is necessary to deliver the Scheme, though powers of compulsory purchase will only be used as a matter of last resort and efforts to acquire all interests by negotiation will continue in parallel, both up to the making and confirmation of the Order, and also post-confirmation, prior to its implementation.

9. FINANCE OF THE SCHEME AND TIMESCALES FOR IMPLEMENTATION

- 9.1 Paragraph 14 of the Guidance sets out the elements that will be considered by the Secretary of State when confirming an Order, and requires that evidence is provided as to the sources and timing of funding.
- 9.2 The total budget allocated to the Scheme is £2.35m, which will be met from public sector funds, as outlined at paragraph 9.5 below.
- 9.3 A Land Cost Estimate was commissioned from Lambert Smith Hampton Group Limited, with the total estimated value for the acquisition of land and property being assessed based on current market conditions.
- 9.4 The Acquiring Authority has given proper consideration to potential blight claims being received by affected owners and occupiers. Based on the information currently available, it is considered unlikely that any claims received would meet the minimum criteria set out within the statutory provisions.

Public Sector Funding

External Funding

National Productivity Investment Funding

- 9.5 The Government announced the creation of a National Productivity Investment Fund (NPIF) in Autumn 2016 to allow for investment in areas that are key to boosting productivity. In April 2017, bids were requested by Government to cover small (£2 to £5m) and large (£5 to £10m) schemes. The schemes put forward were required to promote or facilitate one or more of the following aims:

- to ease congestion and provide upgrades on important national, regional or local routes
- to unlock economic and job creation opportunities
- to enable the delivery of new housing developments.

- 9.6 The acquiring authority submitted a bid entitled 'Omega Highway Gateways' for funding for proposed junction improvements to the junctions of Burtonwood Road/Kingswood Road and A57 Liverpool Road/Lingley Green Avenue.
- 9.7 It was announced on 19 October 2017 that the bid was successful and that funding of £3.634m would be allocated by the Department for Transport to part fund the above schemes, of which £1.270m is allocated to the Scheme.

Council Funding

- 9.8 In April 2018, the Executive Board of the Council approved Council Capital borrowing of £1.08 million to enable the full delivery of the Scheme. The approved funding sources for the Scheme are outlined below in Table 4.

Table 4: Acquiring Authority Funding Sources (Approved Executive Board April 2018)

Acquiring Authority Funding Sources	Allocation (£million)
WBC Capital borrowing	1.08
National Productivity Investment Funding	1.27
Total	2.35

Timescales for Implementation

- 9.9 The Acquiring Authority will continue to negotiate as far as possible and reasonable with all parties with an interest in the Order Land, but would hope to be in a position that remaining land and property rights have been acquired (or the terms of the acquisitions agreed and progressing through detailed legal agreements) via negotiation prior to the end of January 2019.
- 9.10 The Acquiring Authority anticipates that should the compulsory purchase process result in a Local Public Inquiry, this would be heard in or around the second quarter of 2019. In the event that the Order is confirmed by the Secretary of State, the Council anticipates that this would likely result in implementation by October 2019, allowing the construction contract for the works to be awarded by the end of November 2019. Works would then commence on Site at the start of January 2020, completing circa 6 months later.
- 9.11 In the event that a Local Public Inquiry is not required, the Acquiring Authority would seek to commence works on Site at the earliest possible time.

Conclusion

- 9.12 The Acquiring Authority is satisfied that, in accordance with paragraph 14 of the Guidance, the Scheme has available all relevant resources to enable delivery, the necessary funding can be provided and, as set out above, it is financially viable.
- 9.13 If the Order is confirmed, development of the Scheme will be brought forward on the Order Land and the Site at the earliest opportunity.

10. HUMAN RIGHTS

- 10.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.
- 10.2 The following articles of the Convention are relevant to the determination as to whether the Order should be confirmed:
- 10.2.1 Article 1 of the First Protocol protects the right of everyone to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws. Any interference with possessions must be proportionate and, in determining whether a particular measure is proportionate, a fair balance must be struck between the public benefit sought and the interference with the rights in question;
- 10.2.2 Article 6 entitles those affected by the powers sought in the Order to a fair and public hearing by an independent and impartial tribunal;
- 10.2.3 Article 8 protects the right of the individual to respect for his private and family life, his home and his correspondence. A public authority cannot interfere with these interests unless such interference is in accordance with the law and is necessary in the interests of, inter alia, national security, public safety or the economic wellbeing of the country.
- 10.3 The Order has the potential to infringe the human rights of persons who own property in the Order Land. Such infringement is authorised by law provided:
- 10.3.1 the statutory procedures for obtaining the Order are followed and there is a compelling case in the public interest for the Order; and
- 10.3.2 any intervention with the Convention right is proportionate to the legitimate aim served.
- 10.4 The Scheme has been designed to minimise interference with the peaceful enjoyment of a person's possessions under Article 1 of the First Protocol of the Human Rights Act. Under this Article, no person is to be deprived of their possessions, except in the public interest. Any interference with the right has to be provided for by law and strike a fair balance between the public interest and the protection of the rights of the individual. The public benefits associated with the Scheme are set out earlier in this Statement (Section 8) and the Acquiring Authority believes that the Scheme is in the public interest, and that this outweighs the harm caused by the use of compulsory purchase powers to acquire third party land for the Scheme.
- 10.5 In promoting the Order, the Acquiring Authority has complied with all relevant legislation and regulations. The Scheme has been extensively publicised as detailed within the

Liverpool Road/Lingley Green Avenue Junction improvements Consultation Report (Appendix 5) and consultation has taken place with the communities and parties that will be affected by the Order. All those affected by the Order will be notified, will have the right to make representations and/or objections to the Secretary of State, and to be heard at a Local Public Inquiry. It has been held that the statutory processes and associated right for those affected to pursue remedies in the High Court where relevant, are compliant with Article 6.

- 10.6 The Acquiring Authority considers that such interferences with Article 8, as may occur should the Order be confirmed, are in accordance with the law and are necessary in a democratic society in that they would be in pursuit of a legitimate aim, namely the economic well-being of the country and/or the protection of the rights and freedoms of others, and are proportionate, having regard to the public interest that the Scheme will bring, which will benefit the well-being of the area.
- 10.7 Although there is no obligation on the Acquiring Authority to establish that there are no less intrusive means available, the Order Land has been kept to the minimum necessary to improve and widen the existing highway and provide the associated mitigation measures.
- 10.8 Those directly affected by the Order will also be entitled to compensation, which will be payable in accordance with the Compulsory Purchase Compensation Code. This will be assessed on the basis of the market value of the property interest acquired, disturbance and statutory loss payment. The reasonable surveying and legal fees incurred by those affected will also be paid by the Acquiring Authority. The Compulsory Purchase Code has been held to be compliant with Articles 8 and Article 1 of the First Protocol.
- 10.9 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole”. Both public and private interests are to be taken into account in the exercise of the Acquiring Authority’s powers and duties. Similarly, any interference with Article 8 rights must be “necessary in a democratic society”, i.e. proportionate.
- 10.10 The public interest can only be safeguarded by the acquisition of this land and such acquisition would not place a disproportionate burden on the affected landowners.
- 10.11 In pursuing this Order, the Acquiring Authority has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the Scheme construction. Interference with Convention rights is considered by the Acquiring Authority to be justified in order to secure the economic regeneration, environmental and public benefits which the Scheme will bring.

11. RELATED ORDERS AND SPECIAL CATEGORY LAND

Planning Permission

- 11.1 As noted in Section 6 of this Statement, the Scheme does not require Planning Permission as it is permitted development under the provisions of the GPDO. A certificate of lawfulness was granted on 9 November 2018 (Appendix 8).

Traffic Regulation Orders

- 11.2 Traffic Regulation Orders will be required to deliver the Scheme to prohibit U-turn manoeuvres. The Traffic Regulation Orders will be made prior to the Scheme opening and are not considered an impediment to the delivery of the Scheme.

Special Category Land

Consecrated and Ecclesiastical Land

- 11.3 Neither the Scheme nor the Order Land contains any consecrated or ecclesiastical land.

Statutory Undertakers' Land

- 11.4 The Order Land includes land which has been acquired by statutory undertakers for the purposes of their undertaking. In accordance with s.16 of the Acquisition of Land Act 1981, any acquisition of such special category land could result in a separate and additional power in favour of statutory undertakers to make representations to their Minister and, until such an objection is withdrawn, no Order can be confirmed. Section 16(2) allows the confirmation of an Order notwithstanding the presence of an extant objection if the Secretary of State for Business, Energy and Industrial Strategy is satisfied that the land in question can either be purchased without serious detriment to the carrying on of the undertaking, or that replacement land can be given.
- 11.5 In accordance with the New Roads and Street Works Act 1991, extensive discussions have taken place with all statutory undertakers to determine if they are affected by the Scheme and, if so, to confirm the necessary measures that will be required where their operational apparatus will be impacted. Bearing this in mind, and in consideration of the ongoing negotiations with the relevant statutory undertakers, it is considered that there will be no serious detriment to the carrying on of the undertaking and, as such, Section 16(2) is satisfied.

Crown Land

- 11.6 As there are areas of unknown ownership of mines and minerals within the Order Land, a specific query was raised of both the Crown and the Duchy of Lancaster, asking for confirmation of whether any Crown land may exist within the Site required for delivery of the Scheme. This query was raised by way of letter sent by special delivery dated 8 October 2018. The letter gave the Crown and the Duchy 4 weeks to confirm details of any interest in the affected land. Royal Mail tracking confirms that

the letters were received and signed for on 9 October 2018, and no response has been received from either the Crown or the Duchy. As such, the Acquiring Authority has exercised diligent enquiry to ascertain whether there is Crown land within the Order Land, and does not believe that there is any.

Public Open Space and Exchange Land

- 11.7 As set out in paragraphs 7.9 - 7.14 of this Statement of Reasons, Plot 4 appears from investigation to be held by the Acquiring Authority as public open space land, which may be subject, pursuant to Section 19 of the Acquisition of Land Act 1981, to special parliamentary procedure unless the Secretary of State for Housing, Communities and Local Government is satisfied as to one of a number of exemptions.
- 11.8 For the reasons set out in paragraphs 7.9 - 7.14, the Acquiring Authority is promoting the Order on the basis that Plot 4 falls into the exemption from the need for exchange land, as set out in Section 19(1)(b) of the Acquisition of Land Act 1981, in that the land both does not exceed 250 square yards *and* is required for the widening of an existing highway.
- 11.9 Given the proximity of the open space to the existing major road network and the likelihood of very limited recreational use of the land, the Acquiring Authority is of the opinion that the giving of exchange land is unnecessary in the circumstances and is seeking certification of this from the Secretary of State for Housing, Communities and Local Government, pursuant to Section 19.
- 11.10 An application for a certificate relating to open space under Section 19(1)(b) will be made to the Secretary of State for Housing, Communities and Local Government in parallel to the submission to the Secretary of State for Transport for confirmation of the Order.
- 11.11 As part of the Order, and subject to its confirmation, the Acquiring Authority seeks the discharging of Plot 4 from all rights, trusts and incidents to which it was previously subject in accordance with Section 19(3)(b) of the Acquisition of Land Act 1981.

12. INSPECTION OF DOCUMENTS AND CONTACT DETAILS

- 12.1 The following documents are available for public inspection during normal office hours at Contact Warrington, 26-30 Horsemarket Street, Warrington WA1 1XL.
- 12.2 The documents are:
- 12.2.1 the Order and Order Schedule;
 - 12.2.2 the Order Map; and
 - 12.2.3 this Statement of Reasons.
- 12.3 The documents can also be viewed on the Acquiring Authority's website https://www.warrington.gov.uk/info/201362/warrington_west/2398/omega_local_highways_phase_2
- 12.4 Interested parties affected by the Order who wish to discuss matters with the Acquiring Authority should contact Alan Dickin, Transport Planning and Development Control Manager, by one of the following means:
- 12.4.1 by telephone on 01925 442685
 - 12.4.2 by e-mail to adickin@warrington.gov.uk
 - 12.4.3 by post to Warrington Borough Council, Warrington Borough Council, New Town House, Buttermarket Street, Warrington WA1 2NH marked for the attention of Alan Dickin.
- 12.5 Owners and occupiers of properties affected by the Order who wish to progress discussions for the acquisition of their interest should contact Kate Okell MRICS, Consultant to Lambert Smith Hampton Group Limited on 0161 300 7765 or via email at kateokell@axisllp.com

APPENDICES

Appendix 1	Order Map
Appendix 2	Site Plan
Appendix 3	Order Schedule
Appendix 4	Junction Modelling and Appraisal Report
Appendix 5	Consultation Report
Appendix 6	Warrington Borough Council Corporate Strategy 2018-20
Appendix 7	Warrington Means Business
Appendix 8	Certificate of Lawfulness dated 9 November 2018

APPENDIX 1 - ORDER MAP

APPENDIX 2 - SITE PLAN

APPENDIX 3 - ORDER SCHEDULE

APPENDIX 4 - JUNCTION MODELLING AND APPRAISAL REPORT

APPENDIX 5 - CONSULTATION REPORT

APPENDIX 6 - WARRINGTON BOROUGH COUNCIL CORPORATE STRATEGY 2018-20

APPENDIX 7 - WARRINGTON MEANS BUSINESS

APPENDIX 8 – CERTIFICATE OF LAWFULNESS DATED 9 NOVEMBER 2018