

CABINET– 5TH FEBRUARY 2016

**ZOUCH BRIDGE REPLACEMENT –
COMPULSORY PURCHASE ORDER (AND ASSOCIATED
STATUTORY ORDERS) FOR LAND REQUIRED FOR
REPLACEMENT BRIDGE**

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

PART A

Purpose of Report

1. In July 2014 the Cabinet agreed that a Compulsory Purchase Order (CPO) be made to enable the replacement of Zouch Bridge over the River Soar between Hathern Parish and Normanton on Soar Parish.
2. This report informs the Cabinet of progress made with the replacement bridge scheme and seeks approval for the promotion of a Compulsory Purchase Order and to make and progress associated statutory orders (a Side Roads Order and Bridge Scheme under the Highways Act 1980). The Cabinet is also asked to note that the Council will enter into an agreement with Nottinghamshire County Council with regard to land in Nottinghamshire's administrative area required for the Orders and Scheme and to enable this Authority to carry out elements of the scheme in Nottinghamshire.

Recommendations

3. It is recommended that:-
 - (a) A Compulsory Purchase Order to be known as 'The Leicestershire County Council (A6006, Zouch Bridge Replacement) Compulsory Purchase Order 2016' be made under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 to secure the compulsory acquisition of the land shown coloured pink on the Order Map at Appendix A and the new rights over the land shown coloured blue on the said Order Map;
 - (b) A Side Roads Order to be known as 'The Leicestershire County Council (A6006 Zouch Bridge Replacement, Classified Road) (Side Roads) Order 2016' be made under Sections 14 and 125 of the Highways Act 1980 to stop up lengths of existing highway and deal with the closure and creation of private means of access as shown in the plan at Appendix B;
 - (c) A Bridge Scheme known as 'The Leicestershire County Council (Zouch Bridge Replacement) Bridge Scheme 2016' be made under Section 106(3) of the Highways Act 1980 as shown in the plan set out in Appendix C to provide the statutory authority to construct the replacement Zouch Bridge;

- (d) That it be noted that an agreement under section 8 of the Highways Act 1980 is to be entered into between Leicestershire County Council and Nottinghamshire County Council to facilitate the making and promotion of the statutory orders;
- (e) That the County Solicitor be authorised -
 - (i) in consultation with the Director of Corporate Resources to finalise and make, with if necessary, any minor or technical amendments the Orders referred to in paragraphs (a) (b) or (c) above and the Statements of Reasons,
 - (ii) to seal the Orders and to take all steps he considers appropriate including the publication and service of all statutory notices and presentation of the Council's case at any Public Inquiry or through written representations, to secure the confirmation of the Orders by the Secretary of State and the vesting of the land in the County Council,
 - (iii) in consultation with the Director of Corporate Resources to request confirmation of the Orders with modifications if, in the light of new information, it appears expedient for the confirmation of the Orders.

Reason for Recommendations

4. The existing bridge continues to deteriorate and, in the medium term, is likely to require a weight restriction and, ultimately, closure. This could have an impact on the effectiveness of the County Council's road network, increase journey times/costs and affect the delivery of its strategic transport objectives in this area. The CPO will facilitate delivery of the scheme in accordance with the programme set out below.
5. The preferred location for the replacement bridge, slightly to the south of the existing bridge, enables it to be constructed without the need for the substantial traffic diversions.
6. The Side Roads Order is required to ensure that lengths of highway which are not needed are stopped up and that appropriate provision for creation and stopping up of private means of access are in place.
7. The Bridge Scheme is required to ensure that there is statutory authority to enable construction of the replacement bridge over navigable waters.
8. As the new bridge will be located partly on land within the administrative areas of Leicestershire and Nottinghamshire, it is anticipated that an agreement under section 8 of the Highways Act 1980 will be required between both County Councils to facilitate the making and promotion of the statutory orders.

Timetable for Decisions (including Scrutiny)

9. The County Council needs to ensure that the replacement bridge will be available for use within a reasonable timescale, so as to facilitate the demolition of the existing bridge. The current bridge will continue be used as a traffic route whilst the replacement bridge is being constructed.

10. If there are no sustainable objections to the Orders, the County Solicitor considers that they may be operative from Autumn 2016. If there are objections to the Orders, this could extend to Summer 2017. It is estimated that it will take around 15 months to construct the new bridge and a further 3 months to demolish the existing bridge.

Policy Framework and Previous Decisions

11. In February 2014 the County Council approved the Medium Term Financial Strategy 2014/15-2017/18, which included capital funding of £3million for the reconstruction of the Zouch Bridge.
12. The Director of Corporate Resources has delegated powers to enter into negotiations with the landowners to acquire any necessary interests in land for schemes within the approved capital programme.
13. In July 2014, the Cabinet passed a resolution to authorise the exercise of compulsory purchase powers in respect of the replacement bridge, but the County Solicitor has advised that it is prudent to review and update the resolution in light of the time that has passed.

Resources Implications

14. The current estimated total cost of the scheme is £3.2million including land at out-turn prices. The scheme development and construction costs will be funded from the £3.1million allocated within the Capital Programme. Any additional costs will be met from the Local Transport Plan Capital allocation received from the Government for Maintenance and Integrated Transport Schemes.
15. Negotiations to purchase the required land are currently taking place with the landowners. Additional expenses will be necessary to progress the CPO process, particularly in the event that objections are lodged – in such a case it is likely that a public inquiry will be required before any confirmation of the orders by the Secretary of State. It is estimated by the County Solicitor that legal and administrative costs of the CPO process could be around £10,000.
16. The Director of Corporate Resources and the County Solicitor have both been consulted on this report.

Circulation under the Local Issues Alert Procedure

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PART B

Background

17. In July 2014 the Cabinet resolved that a Compulsory Purchase Order (CPO) be made to enable the replacement of Zouch Bridge over the River Soar. The existing bridge forms part of the A6006. It is in poor condition and in need of replacement. The road is strategically important in terms of transport infrastructure and the regional economy, linking Leicestershire and Nottinghamshire.
18. The preferred location for the replacement bridge is slightly to the south of the existing one. This removes the need for substantial traffic diversions which would be needed if the replacement bridge was built in the same place.
19. Since 2014 there have been extensive negotiations conducted between the Director of Corporate Resources and appropriate landowners, with a view to acquiring land interests by voluntary means. To date, despite best endeavours, it has not been possible to conclude these negotiations. This process has nevertheless been necessary, not least because Government Circular advice makes clear that compulsory purchase orders should be promoted as a last resort.
20. The County Solicitor has conducted extensive preparatory work on the documentation necessary to progress the compulsory purchase process and associated statutory orders. In light of these developments it was considered prudent to update the Cabinet and seek a fresh resolution to proceed.

Justification for using Compulsory Purchase Powers

21. In summary, the key rationale is that the bridge forms part of the A6006 which is of strategic importance in terms of transport infrastructure and the regional economy, linking the counties of Leicestershire and Nottinghamshire. The relevant detail will be included in the Statements of Reasons.
22. The County Council needs to ensure that the replacement bridge will be available for use within a reasonable timescale, so as to facilitate the demolition of the existing bridge. The current bridge would continue to be available to be used whilst the replacement bridge is being constructed.
23. The County Council must ensure that the replacement bridge is delivered in a timely way which would not be possible unless the timetable/programme set out herein is met. It is prudent to use compulsory purchase powers for back up purposes, so that the land may be obtained in the event that attempts at voluntary acquisition are not successful.

Government Advice: Circular 06/04 and Circular 2/97

Circular 06/04

24. Government Circular 06/04 (updated in 2015) provides guidance to acquiring authorities in England in the exercise of their powers of compulsory acquisition. The guidance states that "compulsory purchase powers are an important tool for local authorities to use as a means of assembling land

needed to help deliver social and economic change. Used properly, they can contribute towards effective and efficient urban.... regeneration, the revitalisation of communities and promotion of business – leading to improvements in quality of life". The importance of the replacement bridge in social and economic as well as transportation terms provides justification for using compulsory powers within the framework of Circular 06/04.

25. Paragraph 17 of the Circular provides that "a Compulsory Purchase Order should only be made where there is a compelling case in the public interest". This Scheme will facilitate sustainable development by upgrading transport infrastructure between Leicestershire and Nottinghamshire which will provide social economic and environmental benefit to both counties.

Circular 02/97

26. Department of Transport Circular 02/97 indicates that a CPO can be a valuable tool for land assembly in connection with highways schemes.

Programme

27. The County Council needs to ensure that the Compulsory Purchase Order is promoted at the same time as the associated statutory orders required in respect of the Side Roads Order and the Bridge Scheme.
28. It is recognised that planning permission will be needed for the Scheme and arrangements are in hand to make an application.

Conclusion

29. On the basis set out herein, it is contended that there is an overwhelming case for the replacement bridge scheme to be delivered and that there is a compelling case in the public interest to promote and seek confirmation of the Compulsory Purchase Order and associated statutory Orders required to deliver it with the minimum of delay, should negotiated land purchase fail.

Equality and Human Rights Implications

30. The Equality and Human Rights Impact Assessment and Equality and Human Rights Impact Assessment Screening Questionnaire are attached hereto (Appendix D). The scheme will ensure accessibility for vulnerable users and those with disabilities through the design processes.
31. In proposing to make the Compulsory Purchase Order (and associated statutory orders) the County Council has to consider the applicability of the Human Rights Act 1998. Particular regard is to be given to Article 1 of the First Protocol of the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950. This provision guarantees the right to private property and only permits interference with it in the public interest and through a process prescribed by law.
32. The proposed compulsory acquisitions do not include any residential property and the interests that it is proposed to acquire can be properly compensated through the statutory compensation code in accordance with law.

33. As stated above, the proposed scheme will retain a road transport bridge link carrying the A6006 across the River Soar and is in accordance with Council's Local Transport Plan aimed at reducing journey times and improving efficient transportation of people and goods. It is considered that the bridge replacement scheme is overwhelmingly in the public interest.

Environmental Impact

34. The scheme will contribute to the continued management of the network and will maintain journey times which would otherwise be impacted by the traffic diversion.
35. The Environment Agency Flood Risk Management Teams has been consulted about the proposals and has given flood risk guidance to ensure that the proposal and the new structure does not increase the flood risk and, where possible, can give a flood risk benefit.
36. The Environment Agency Biodiversity Team has considered the Habitat Scoping Survey and has advised that it is satisfied from a Biodiversity perspective.
37. The Canal and River Trust (CRT) has been consulted regarding the Bridge Scheme, particularly in light of the navigable considerations for the River Soar at this location.

Background Papers

LTP3 Local Transport Plan (adopted 2011).

<http://cexmodgov1/Published/C00000134/M00003057/AI00027879/LTP3AppendicesAF.pdf>

Medium Term Financial Strategy 2014/15 to 2017/18 - Capital Programme.

[http://cexmodgov1/Published/C00000134/M00003961/AI00037151/\\$5aAppendixHCapitalProgramme201418.xls.pdf](http://cexmodgov1/Published/C00000134/M00003961/AI00037151/$5aAppendixHCapitalProgramme201418.xls.pdf)

Report to the Cabinet, 15 July 2014 "Zouch Bridge Replacement - Compulsory Purchase Order for Land Required for Replacement Bridge"

[http://politics.leics.gov.uk/Published/C00000135/M00003992/AI00038787/\\$15CPOZouchBridgereplacement.docA.ps.pdf](http://politics.leics.gov.uk/Published/C00000135/M00003992/AI00038787/$15CPOZouchBridgereplacement.docA.ps.pdf)

Appendices

Appendix A - Compulsory Purchase Order Map

Appendix B - Side Roads Order Plan

Appendix C - Bridge Scheme Plan

Appendix D - Equality and Human Rights Impact Assessment and Screening Questionnaire