

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Executive Member for Environment and Transport
<b>Date:</b>	5 June 2018
<b>Title:</b>	M27 Junction 9 and Parkway South Roundabout Scheme – Update Report
<b>Report From:</b>	Director of Economy, Transport and Environment

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### 1. Recommendations

- 1.1. That the amended alignment for the preferred scheme for the M27 Junction 9 and Parkway South Roundabout Improvements, as shown on the drawing at Appendix 1, be noted.
- 1.2. That the Executive Member for Environment and Transport recommends that the Executive Member for Policy and Resources provides authority to acquire all third party interests in any land and any necessary rights required for or to facilitate/enable the delivery of the M27 Junction 9 and Parkway South Roundabout Improvements by agreement (“the Scheme”).
- 1.3. That in order to ensure the delivery of the M27 Junction 9 and Parkway South Roundabout Improvements (“the Scheme”) in a timely manner, the Executive Member for Environment and Transport recommends to the Executive Member for Policy and Resources that a Compulsory Purchase Order is made for the land required to deliver the Scheme, as detailed in Appendix 2, to run in parallel with negotiations to acquire all third party land interests by agreement, on the basis that the areas of land identified in Appendix 2 will not be extended but may be revised or minimised.
- 1.4. That authority is delegated to the Director of Economy, Transport and Environment and the Head of Legal Services to progress any appropriate Orders, Notices, or Statutory procedures and obtain any consents, rights or easements that are necessary for the M27 Junction 9 and Parkway South Roundabout Improvements (“the Scheme”).

### 2. Executive Summary

- 2.1. The purpose of this paper is to confirm the amended alignment for the preferred scheme for the M27 Junction 9 and Parkway South Roundabout improvements (“the Scheme”) and ensure that the Scheme can be progressed to a point where a Project Appraisal can be submitted. This report also seeks approval of revised land acquisition plans, due to the amended alignment of the highway improvements on Whiteley Way, and a recommendation to the

Executive Member for Policy and Resources for authority for a Compulsory Purchase Order (CPO) to be made.

2.2. This paper will:

- Set out the background to the Scheme;
- Detail the realignment for the works on Whiteley Way;
- Detail the CPO land requirements;
- Consider the finance for the Scheme; and
- Consider the future direction of the Scheme.

### **3. Introduction**

- 3.1. The Scheme is essential to help improve traffic flow and journey times in the area. Both junctions currently experience severe congestion in the morning and evening peak periods and traffic queuing on the motorway off-slips at Junction 9 causes operational and safety issues on the M27 mainline. The M27 is a critical, strategic corridor in southern Hampshire which helps to keep the economy moving, but at peak times queues caused by congestion at Junction 9 can extend back several km along the motorway. Furthermore, in the morning peak hour, congestion at Parkway South Roundabout can regularly block-back to Junction 9, while in the evening peak hour congestion at Junction 9 frequently blocks-back to the Parkway South Roundabout.
- 3.2. This daily congestion is hindering the implementation of 3,500 new homes and three schools in the allocated 'North Whiteley' development, which would be predominantly accessed via Whiteley Way and M27 Junction 9. The congestion is judged to be detrimentally impacting business retention and location in two large regionally significant adjacent Business Parks – Solent and Segensworth, located to the north and south of Junction 9 respectively.
- 3.3. The Scheme developed by the County Council will provide a significant increase in traffic capacity at both junctions, which forecasts suggest will be sufficient to alleviate the existing congestion issues and provide spare capacity to accommodate traffic associated with future developments. The Scheme, including the amended alignment for carriageway widening on Whiteley Way is shown on the plan included at Appendix 1 and is summarised as follows:
- At Junction 9 the Scheme involves carriageway widening which will be undertaken to provide an additional lane on both motorway off-slip roads, the westbound on-slip road and the Whiteley Way approach, together with additional lanes on the northern and southern sections of the circulatory carriageway; and
  - At Parkway South Roundabout, a new larger fully-signalised roundabout will be provided, with carriageway widening to provide additional traffic lanes on all approaches and the circulatory carriageway.
- 3.4. In September 2017 the Executive Member Environment and Transport delegated authority to the Director Economy, Transport and Environment to progress the design and development work for the M27 Junction 9 and Parkway South Roundabout Scheme including the progression of all necessary advance works. The Executive Member Environment and Transport also made a recommendation to the Executive Member for Policy and

Resources for a Compulsory Purchase Order to be made for the land required to deliver the scheme. In October 2017 the Executive Member for Policy and Resources gave approval to acquire all third party interests in land and any necessary rights required for or to facilitate/enable the delivery of the proposed scheme. The Executive Member for Policy and Resources also gave authority to make a Compulsory Purchase Order and gave delegated authority to refine or minimise the scope of land requirements for the scheme to the Director of Culture, Community and Business Services (Strategic Manager – Assets and Development) on the basis that land requirements would not be extended.

- 3.5. Following a review of the design several issues have been identified with regard to the proposed alignment of the works on Whiteley Way on the approach to M27 Junction 9. Widening of the carriageway on the eastern side of Whiteley Way was previously proposed and this approach would have required significant retaining structures. Following further investigation it was considered that the cost and resulting network delays of providing these retaining structures would be prohibitive. The construction of the retaining structures would require continuous lane closures for an extended period of time with highly significant added impacts on traffic delay in an already heavily congested traffic sensitive location and with likely added regional network implications and associated negative economic effects.
- 3.6. An alternative option for widening of the carriageway on the western side of Whiteley Way on the exit from the roundabout at M27 Junction 9 has been investigated and is now proposed. As the amended design requires the acquisition of land that was not previously identified, approval of the amended land acquisition plans, as shown in Appendix 2, and authority to make a Compulsory Purchase Order is sought. The land required for delivery of the scheme including the amended alignment for carriageway widening on Whiteley Way is set out in section 6 of this report. Plans highlighting the amendments that have been made to land acquisition plans are included in Appendix 3.

#### **4. Contextual Information**

- 4.1. In late 2015 Highways England (HE) withdrew funding for its improvement scheme at M27 Junction 9, following budget cuts. The HE scheme was limited to widening of the off-slips and did not address the capacity problems on the roundabout circulatory carriageway, or on the local road network.
- 4.2. Around the same time the County Council commenced work to develop a feasibility improvement scheme for the Parkway South Roundabout. This junction was identified for improvements by the promoters of the 'North Whiteley' development, but the County Council considered that the proposed improvements did not offer sufficient future capacity and elected to develop its own scheme to fully address the forecast congestion issues. A financial contribution from the 'North Whiteley' developers towards this junction is to be taken instead and secured via Section 106 agreement. This contribution forms a critical component of the funding for the Scheme now proposed. If the County Council did not proceed with the planned improvements at Parkway South Roundabout then under the terms of the Section 106 agreement the

developers would be permitted to deliver the improvements at the junction that the County Council considers to provide insufficient future capacity.

- 4.3. Following discussions with HE, the County Council submitted a bid to the HE Growth and Housing Fund (GHF) in March 2016, for funding towards improvements to the Parkway South roundabout and M27 Junction 9. HE later approached the County Council and asked for a review of the original HE scheme for Junction 9 and that it be revised as necessary to improve traffic flow across the whole junction. The County Council prioritised work to review the HE design and undertook further traffic modelling to ensure that the scheme benefits are optimised and that issues on both the strategic and local networks are addressed by an improved and more effective scheme.
- 4.4. Bid information was re-submitted during late summer 2016, and the resulting new preferred scheme developed by the County Council provides enhanced capacity and safety improvements at both the Junction 9 and Parkway South roundabouts, which are very much linked in operational terms.
- 4.5. Subsequent to this, the County Council has undertaken a substantial amount of further scheme appraisal work over a relatively short period of time at the request of HE, in order to satisfy the rigorous requirements of the HE bid assessment process. This has included traffic modelling assessments, economic and cost/benefit appraisal and environmental assessment work. The outcome of this was that the scheme was found to have a 'very high' value for money, and was recommended for approval. Officers from the County Council attended the HE Value Management workshop for the scheme in April 2017 and were formally notified of the decision to award HE funding to the scheme in July 2017, subject to conditions. Full details of the scheme financials are set out in Section 5 of this report.

## **5. Finance**

- 5.1. The preferred scheme has been value engineered to reduce costs as far as possible. The cost estimate that was submitted as part of the HE bid appraisal process is £19.6million, which includes an allowance for Risk and Optimism Bias. Following the award of funding by HE the breakdown of funding for the scheme is as follows:
  - £9.9million to be provided from the HE Growth and Housing Fund (GHF);
  - £3million to be provided from the HE Congestion Relief Fund;
  - £4.2million to be provided from future S106 receipts from the 'North Whiteley' development;
  - £1.775million to be provided from existing S106 receipts held by the County Council; and
  - £0.725million to be provided from Local Transport Plan funding held by the County Council.
- 5.2. The conditions stipulated on the HE funding offer letter are as follows:
  - The level of GHF grant is to be reduced in line with any cost savings achieved;
  - A final detailed scheme design is to be agreed that is acceptable to HE; and

- A funding agreement is to be agreed between HE and the County Council.
- 5.3. As part of the Highways England bid appraisal process a business case for the scheme was produced (largely using information submitted by the County Council), which has been made available to the County Council for the purposes of drafting the funding agreement for the scheme.
  - 5.4. A review of the estimate for the scheme is currently being undertaken to determine the effect on costs of extended periods of night time working that are required to reduce traffic disruption in a congested location, the removal of retaining structures from the design, and updated information received from statutory undertakers regarding the diversion of public utilities infrastructure. There is potential for cost variance due to these issues, and also because access to the trunk road network to carry out survey, investigation, and site clearance has not yet been granted by Highways England, thus delaying the completion of detailed design.

## **6. Third Party Land**

- 6.1. In order to construct the scheme, some third party land needs to be acquired or dedicated as public highway in the vicinity of the Parkway South Roundabout and M27 Junction 9. The ownership of some parcels of HE land adjacent to M27 Junction 9 will also need to be transferred to the County Council.
- 6.2. Land interest plans for the scheme are provided in Appendix 2, which show land required to deliver the scheme and which will form the basis of a Compulsory Purchase Order (CPO).
- 6.3. No issues are currently anticipated in terms of acquiring the necessary third party land by agreement, but in order to ensure the delivery of the scheme in a timely manner, and in the event that negotiations to acquire all third party land by agreement are unsuccessful, it will be necessary to make and progress a CPO to secure the necessary land. It is proposed to commence this process as soon as reasonably practical.

## **7. Legal Context**

- 7.1. The County Council has the power to progress any appropriate Orders or Notices under the powers of the Highways Act 1980 that are associated with or necessary for the Scheme.
- 7.2. The County Council has the power to make Compulsory Purchase Orders and in relation to this road construction Scheme, the enabling power is the Highways Act 1980.
- 7.3. The Compulsory Purchase Process Guidance from the Department for Communities and Local Government (CPO Guidance) states that a compulsory purchase order should only be made where a) there is a compelling case in the public interest and b) the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular attention should be given to these considerations.

- 7.4. The public interest test is met due to the proposed acquisition delivering the necessary improved infrastructure to provide better access to the Whiteley area and to encourage much needed economic retention and development. The proposed acquisition will also serve to enhance the wellbeing of residents and business park users, particularly in Whiteley and the Solent Business Park, by significantly reducing congestion and delays on the main access routes. This will help to enhance the prosperity of the area overall as well as the quality of place.
- 7.5. The County Council has also had regard to the provision of Article 1 of the First Protocol to the European Convention on Human Rights. In light of the significant public benefit that would arise from the delivery of the Scheme, it is considered that it would be appropriate to acquire the land through compulsory purchase should that prove necessary, and that to do so would not constitute an unlawful interference with individual property rights.
- 7.6. Article 6 also requires that those civil rights that may be affected by a decision are given a fair hearing by an independent and impartial tribunal. This is secured by means of the compulsory purchase order process, including the holding of an inquiry into any objections which may be made and the ability to challenge any compulsory purchase order in the High Court.

## **8. Consultation and Equalities**

- 8.1. Following a public exhibition on 16 November 2017 a public consultation was undertaken to determine the level of support for the scheme and seek comments on the proposed improvements. The consultation period has now ended and a consultation report will be prepared to analyse feedback and consider and respond to comments received. Further details regarding the consultation report and the level of public support for the scheme will be reported to the Executive Member for Environment and Transport via the Project Appraisal when approval is sought to deliver the works.

## **9. Future direction**

- 9.1. Following approval of this report and approval by the Executive Member for Policy and Resources, formal negotiations will be entered into with all third party landowners, in order to seek to acquire by agreement all third party parcels of land necessary to construct the Scheme as approved. If negotiations are unsuccessful then the Compulsory Purchase Order process will be used to ensure the delivery of the Scheme in a timely manner. Approval of the Project Appraisal will be sought prior to proceeding with delivery of the works.

**CORPORATE OR LEGAL INFORMATION:****Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	Yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	Yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	Yes
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	Yes

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
	<u>Date</u>
Executive Member for Environment and Transport Decision Day – M27 Junction 9 and Parkway South Roundabout Scheme <a href="http://democracy.hants.gov.uk/documents/s6299/Decision%20Record.pdf">http://democracy.hants.gov.uk/documents/s6299/Decision%20Record.pdf</a>	19 Sept 2017
Executive Member for Policy and Resources Decision Day – Major Highways Scheme M27 junction 9 and Parkway South Roundabout, Whiteley – Land Purchase <a href="http://democracy.hants.gov.uk/documents/s7747/DECISION%200RECORD%202017-10-18%20DR%20EMPR%20Major%20Highway%20Scheme%20M27%20Junction%209%20and%20Parkway%20South%20Roundabout%20.pdf">http://democracy.hants.gov.uk/documents/s7747/DECISION%200RECORD%202017-10-18%20DR%20EMPR%20Major%20Highway%20Scheme%20M27%20Junction%209%20and%20Parkway%20South%20Roundabout%20.pdf</a>	18 Oct 2017
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **1.2. Equalities Impact Assessment:**

The proposals will have no or low impact upon groups with protected characteristics. In the event that a CPO is required, the guidance published by the DCLG (Guidance on CPO process and The Crichel Down Rules for disposal of surplus land acquired by, or under the threat of compulsion) will be followed. The impact of the scheme itself will be assessed in detail as part of the final project appraisal approval.

### **2. Impact on Crime and Disorder:**

2.1. The decision will not have any direct impact upon crime and disorder.

### **3. Climate Change:**

- a) How does what is being proposed impact on our carbon footprint / energy consumption?
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

The proposed Scheme will help to reduce congestion and delay and will therefore help to improve air quality, due to a reduction in the volume of queuing vehicles.