

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Policy and Resources
Date:	18 October 2017
Title:	Major Highway Scheme: M27 Junction 9 and Parkway South Roundabout Scheme, Whiteley – Land Purchase
Report From:	Director of Culture, Communities and Business Services

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1. Executive Summary

- 1.1. The purpose of this paper is to set out the background to this major highway scheme, known as the M27 Junction 9 and Parkway South Roundabout scheme (“the Scheme”) and to seek approval to the acquisition of all third party interests in land and any necessary rights required for the delivery of the Scheme.
- 1.2. The Scheme was designed by HCC as Strategic Highway Authority and local deliverer on behalf of Highways England (HE). It comprises carriageway widening around both roundabouts and some of the slip roads and full signalisation of the Parkway South Roundabout. It will significantly reduce traffic congestion to both residents and business park users alike and will improve safety by reducing tailbacks on to the M27.
- 1.3. In order to ensure the delivery of the Scheme within the funding timescales agreed with HE, the report also seeks approval to the making of a Compulsory Purchase Order (CPO) as soon as possible to run in parallel with negotiations to preferably acquire all third party interests in land and any necessary rights by agreement.

2. Contextual information

- 2.1. The Scheme involves carriageway widening 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. 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.
- 2.2. At his meeting on 19th September 2017, the Executive Member for Environment and Transport confirmed the extent of land required to deliver the Scheme as detailed in Appendix 1 and also approved the

recommendation that the Executive Member for Policy and Resources gives approval to the acquisition of all necessary third party land interests required for the delivery of the Scheme and to the making of a CPO as necessary to ensure construction of the Scheme within agreed funding timescales.

- 2.3. The total land acquisition of approximately 15,000 m² (including land required on a temporary basis during the construction period) is located on the periphery of the J9 roundabout and the Parkway South roundabout at Whiteley Way/Rookery Avenue. There is also approximately 420m² of land in HCC ownership on the south east side of the J9 roundabout which is required to be transferred to the Highways England (HE) highway network. This is required for the motorway slip road improvements which HCC are undertaking on HE's behalf.
- 2.4. To provide certainty of delivery within the timescales agreed with Highways England for construction of the Scheme, 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. As it can take around two years for a CPO to be confirmed by the Secretary of State should the need for a Public Inquiry arise, it is proposed to commence this process as soon as reasonably possible to run in parallel with negotiations to acquire all third party land interests by agreement.

3. Legal Context

- 3.1. 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.
- 3.2. 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.

- 3.3. 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 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.
- 3.4. 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.

- 3.5. 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.

4. Funding

- 4.1. Funding has been secured for the scheme from Highways England (£9.9m HE Growth and Housing Fund, & £3m HE Congestion Relief Fund), which is subject to completion of a funding agreement, and s106 receipts (£6m) and the Local Transport Plan fund (£0.7m).
- 4.2. The total land cost estimate will be reported within the scheme costs which will form part of the Project Appraisal Report that will be considered by the Executive Member for Environment and Transport before the tendering stage and the commencement of works.

5. Planning

- 5.1. Planning permission is not required for the scheme as all proposed works take place on or adjoining the existing highway network and the works can therefore take place under permitted development rights.

6. Recommendations

That the Executive Member for Policy and Resources approves:

- 6.1. That approval be given 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 M27 Junction 9 and Parkway South Roundabout Scheme in Whiteley -on detailed terms and conditions to be settled by the Director of Culture, Community and Business Services (Strategic Manager – Assets and Development).
- 6.2. That, in order to ensure the delivery of the M27 Junction 9 and Parkway South Roundabout Scheme within agreed funding timescales, authority be given to the making of a Compulsory Purchase Order as soon as possible to run in parallel with negotiations to preferably acquire all third party interests in land and any necessary rights by agreement.
- 6.3. That delegated authority be given to the Director of Culture, Community and Business Services (Strategic Manager – Assets and Development) to amend the scope of the land detailed in Appendix 1 on the basis that it will not be extended, but it could be refined / minimised.

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

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	no
People in Hampshire enjoy a rich and diverse environment:	no
People in Hampshire enjoy being part of strong, inclusive communities:	no

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Direct links to specific legislation or Government Directives		
<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.)

DocumentLocation

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:

- a) The proposals will have no or low impact upon groups with protected characteristics. The proposals are accessible to all road users. Pedestrians and cyclists will be catered for as part of the proposals to improve access to Whiteley and mitigation will be identified to add value in terms of accessibility over and above the existing provision.

<http://www3.hants.gov.uk/equality/equality-impact-assessments/cx-pu-eqimpact-envi.htm>

2 Impact on Crime and Disorder:

2.1 None.

3 Climate Change:

3.1 How does what is being proposed impact on our carbon footprint / energy consumption?

The proposed strategy to improve access to Whiteley seeks to reduce congestion and journey time delay.

3.2 How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

Areas where traffic levels reduce will also experience significant benefit in terms of reduced air pollution.