



Cabinet Report

Report of: Simon Green, Executive Director Place

Report to: Cabinet

Date: 16th September 2015

Subject: Chesterfield Road Key Bus Route
Land Acquisition and
Compulsory Purchase Order 2015

Author of Report: Ian Taylor (0114 273 6065)

Key Decision: YES

Reason Key Decision: Expenditure/savings over £500,000

Summary:

The people of Sheffield have told South Yorkshire Passenger Transport Executive (SYLTE) that lack of bus reliability is one of the main reasons why they don't use public transport. Interventions continue to be introduced on several Key Bus Routes (KBR's) throughout the city, including the Chesterfield, North Sheffield and Gleadless corridors. Together the schemes along these corridors make public transport to, from and across the city more attractive leading to increased bus patronage. There are other benefits such as better measures for pedestrians, cyclists and other traffic as well as air quality and employment improvements.

The improvements are supported by the Sheffield Bus Partnership, comprising First Group, Stagecoach, Sheffield Community Transport, SYLTE and Sheffield City Council. The Chesterfield Road KBR is just one of the corridors being progressed to improve Sheffield's public transport facilities. Improvements to the bus routes in this part of the city already include Meadowhead, where significant

benefits have been seen, and will further reduce delays in bus travel, improve reliability and contribute to making the City a 'Great Place to Live'. Chesterfield Road carries, on average, one inbound bus every two minutes and with predicted savings of over 1.5 minutes per bus this offers substantial benefits for bus users and other road users.

In order to deliver the Chesterfield Road Key Bus Route Improvement Scheme to the programme agreed, through the Sheffield Bus Partnership Agreement, with South Yorkshire Passenger Transport Executive who secured funding from Central Government via the Better Bus Area Fund, the required Order Land must be acquired and all rights negotiated by the end of 2017. In total 3 plots of land need to be acquired. The intention is to acquire by negotiation, however a Compulsory Purchase Order (CPO) is being developed in parallel to give certainty of scheme delivery. The land required will be purchased at market value and its acquisition will represent an increase in the Council's asset portfolio.

Reasons for Recommendations:

The use of a CPO to acquire the Order Land required for the Scheme is possible under the Highways Act 1980, and would be justified in the light of a compelling case in the public interest for the acquisition of the Order Land to enable the delivery of the Chesterfield Road Key Bus Route.

Where the Council propose to make a CPO under these statutory provisions, the Council must be satisfied that the development is likely to contribute to the achievement of one or more of the following objectives, namely the promotion or improvement of the economic, social or environmental well-being of their area.

It is considered that there is a compelling case in the public interest to justify the Council using its CPO powers to acquire the Order Land because the implementation of this scheme will reduce congestion and delays around this busy section of the network, improving service reliability for buses, conditions for economic inward investment and contributing to reduced vehicle emissions.

Recommendations:

- Authority be given for the Council to make a CPO under the powers conferred by the Highways Act 1980 to acquire the land coloured pink and occupy temporarily during the period of the works the land coloured blue on the Map displayed at the meeting of Cabinet on the 16th September 2015 and marked 'Map referred to in The City of Sheffield (Chesterfield Road) (Chesterfield Road Key Bus Route) (Classified Road, A61) Compulsory Purchase Order 2015'.
- Authority be given for the Director of Legal and Governance to authorise the making of the CPO, to take all necessary procedural steps prior to and after the making of the CPO, to enable the CPO to be submitted to the Secretary of State for confirmation including :

(a) finalising the attached draft Statement of Reasons;

- (b) finalising the Schedule of Interests;
 - (c) serving notices of the making of the CPO on all persons entitled to such notice and placing necessary press notices; and
 - (d) taking all necessary steps to confirm the Order if authorised by the Secretary of State
- Authority be given for the Director of Finance and the Director of Capital and Major Projects, in conjunction with the Director of Legal and Governance to acquire and/or secure affected land and rights by agreement in parallel with the CPO, so that the scheme can be implemented.
 - That the Director of Legal and Governance be authorised to sign and serve any Notices and documents and together with the Executive Director of Place be authorised to take all other necessary action to give effect to these recommendations.
 - As soon as the Order is confirmed by the Secretary of State to advertise the confirmation of the CPO and serve all necessary notices of confirmation and once the CPO becomes operative, the Director of Legal and Governance be authorised to serve Notices to Treat under Section 5 of the Compulsory Purchase Act 1965, and where necessary, to serve Notices of Entry under Section 11 of the same Act in respect of the land included in the Order, or to execute general vesting declarations under the Compulsory Purchase (Vesting Declarations) Act 1981
 - To note that a Note that a Capital Approval submission will brought forward for the acquisition of the land.

Background Papers:

Category of Report: OPEN (Closed Part 2)

Part 2 of the report is not for publication because it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).

Statutory and Council Policy Checklist

Financial Implications
YES Cleared by: Paul Schofield
Legal Implications
YES Cleared by: David Sellars
Equality of Opportunity Implications
YES Cleared by: Annemarie Johnston
Tackling Health Inequalities Implications
NO Cleared by:
Human Rights Implications
NO Cleared by:
Environmental and Sustainability implications
YES: See Sections 3.0 and 10.0
Economic Impact
YES: See Section 5.0
Community Safety Implications
NO Cleared by:
Human Resources Implications
NO Cleared by:
Property Implications
YES Cleared by: Dave Wood
Area(s) Affected
Gleadless Valley Ward
Relevant Cabinet Portfolio Lead
Terry Fox, Cabinet Member for Environment and Transport
Relevant Scrutiny Committee
Economic and Environmental Wellbeing
Is the item a matter which is reserved for approval by the City Council?
YES
Press Release
YES

REPORT TO CABINET

CHESTERFIELD ROAD KEY BUS ROUTE IMPROVEMENT SCHEME LAND ACQUISITION AND COMPULSORY PURCHASE ORDER

1.0 SUMMARY

- 1.1 The Chesterfield Road bus corridor is a designated Key Bus Route and funding has been secured from Central Government, through the Sheffield Bus Partnership Agreement and Better Bus Area Fund, so that Sheffield City Council can undertake improvements to the highway to help reduce traffic delays and improve service reliability for buses by linking up two existing sections of bus lane along the route.
- 1.2 At present, the inbound peak hour bus lane on Chesterfield Road ends at the entrance to Heeley Retail Park. Cars, buses and other vehicles are delayed as traffic merges into a single inbound lane before the bus lane resumes just north of the junction with Saxon Road. Further delays are caused by the movement of traffic into and out of the side roads, particularly at Saxon Road.
- 1.3 In partnership with South Yorkshire Passenger Transport Executive Sheffield City Council proposes to widen Chesterfield Road. Following consultation with local residents and businesses it is planned that two continuous inbound lanes (a peak hour bus lane and a lane for general traffic) will be created by widening Chesterfield Road into land fronting Porcelanosa, B&M Store and Lidl. Outside weekday peak hours all traffic will be allowed to use both lanes.
- 1.4 In advance of detailed scheme design, acquisition of the land needed to construct the scheme is the next stage in the current programme.
- 1.5 The intention is to acquire, by agreement, all affected land and rights necessary to deliver the scheme, however in order to strengthen the case for deliverability, it is intended to run these negotiations in parallel with the CPO process.
- 1.6 The report describes the case for obtaining the necessary authority to make, publish and submit to the Secretary of State for Transport for confirmation, the CPO required to implement the planned scheme which shall link two existing sections of bus lane along Chesterfield Road.
- 1.7 The report also seeks authority to acquire, by agreement, affected land and rights in parallel with the CPO and, subject to confirmation of the Order, compulsorily acquire the outstanding land interests and rights included in the Order.
- 1.8 The proposed land acquisition has financial implications and the report seeks to advise Cabinet on this and more broadly on the continued development of the Key Bus Route and the current funding plan.

2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE

- 2.1 The scheme will provide a faster, more reliable and sustainable bus service which is accessible to everyone be they residents, or visitors to Sheffield. It will provide high-quality access to the City Centre being a key employment location.
- 2.2 The scheme will provide additional capacity in terms of both public transport and the local highway network thus enabling the delivery of key employment-generating developments within the City. It will also provide a competitive public transport option, which twinned with the provision of additional highway capacity through this busy section of the network, will reduce congestion and delays, improving conditions for inward investment and contributing to reduced vehicle emissions.
- 2.3 Existing businesses on and around Chesterfield Road itself often suffer because of local traffic congestion. In addition to improving journey times along this bus corridor the scheme will help to improve access to local businesses and facilities, thereby encouraging economic growth.

3.0 OUTCOME AND SUSTAINABILITY

- 3.1 The key outcome of the report will be approval to proceed with the acquisition of land by negotiation and the advertisement and making of a CPO in support of the scheme. Acquiring all necessary land is essential to the delivery of the scheme and will enable government funding, already secured, to be drawn down as part of the Sheffield Bus Partnership Agreement which was formally signed by Bus Operators, South Yorkshire Passenger Transport Executive and Sheffield City Council in November 2012, allowing the Department for Transport to announce in February 2013 that Sheffield would become the first Better Bus Area in the country and would receive £18.3 million to invest in the partnership area.

4.0 REPORT BACKGROUND

- 4.1 The scheme has been developed as a partnership between Sheffield City Council and the South Yorkshire Passenger Transport Executive. This partnership is bound by a written agreement which sets out the roles and responsibilities of each member so as to best ensure the delivery of the project on programme and to budget.
- 4.2 Supporting economic growth is a key objective of the Sheffield City Region Transport Strategy 2011-2026. Furthermore the promotion of a strong and competitive economy is a priority area for Sheffield City Council's Corporate Plan 2015-18. This priority sets out the need for economic growth, the creation of more and better jobs, and the establishment of a highly skilled workforce. This scheme provides enabling infrastructure which will contribute to the realisation of these economic objectives.
- 4.3 This creates a very strong strategic fit for the delivery of the scheme which

is fundamental to the growth aspirations of the economy of Sheffield, which is dependent on effective connectivity.

- 4.4 The scheme was submitted as a business case to the Department for Transport's Major Schemes fund, and in February 2013 was granted programme entry status which confirms a conditional offer of funding. The Government's current spending review period dictates that all funds for the scheme need to be spent by December 2017, and consequently all necessary statutory approvals have to be in place to ensure that if negotiations to acquire the affected land by agreement fail, then it and any rights necessary to deliver the scheme can be acquired before the funding ends.

5.0 SCHEME OBJECTIVES, DESCRIPTION AND TIMESCALE

- 5.1 In addition to providing more efficient and more sustainable public transport by linking two existing sections of bus lane and eliminating the current 'pinch point' for buses and other vehicles, the main objectives of the scheme are:

- Development and economic regeneration: to support existing developments and enable future economic growth in the City Centre and the urban centres along the route by providing the required additional capacity in the public transport and local highway networks. The scheme will directly benefit areas which are currently constrained by the limitations of the transport network.
- Connecting people to jobs: to improve the quality, capacity and reliability of public transport along the Chesterfield Road Key Bus Route, representing a step-change. Providing residents of the region with sustainable access to jobs and services along the route. The scheme will also improve links with other bus corridor schemes such as the Gleadless Key Bus Route and the North Sheffield Better Buses Project.
- Strategic connectivity: to address congestion and connectivity issues in this important bus corridor that forms a key arterial route to the City Centre.
- Environmental improvements: to contribute to improved local air quality and lower carbon emissions from transport, through the provision of a competitive alternative to car access.

- 5.2 At various stages in the development of the scheme public consultation has been carried out, most notably during the formal advertising period for the Traffic Regulation Orders associated with this scheme. This consultation included writing to all fronting properties to explain the proposals, articles in local newsletters, site notices, the production of a digi-brief, and a dedicated webpage.

- 5.3 Subject to successful acquisition of the necessary land and rights by agreement the timescale for construction is to start on-site no later than March 2016 with practical completion by March 2017. Should negotiations fail and the CPO be imposed at a later stage then this would

be likely to result in a delay to the programme of 8-12 months, taking the timescale beyond the funding deadline.

6.0 EXTENT OF COMPULSORY PURCHASE ORDER AREA AND POWERS

- 6.1 The areas shaded pink on the CPO Land Plan on display at Cabinet and the Members' Library marked 'Map referred to in The City of Sheffield (Chesterfield Road) (Chesterfield Road Key Bus Route) (Classified Road, A61) Compulsory Purchase Order 2015' and enclosed in Appendix A indicate the extent of the acquisitions in the proposed CPO. At an early stage in the process all known land-owners and tenants were contacted to explain the scheme in detail and to provide the opportunity for any concerns to be discussed and if possible resolved. This enabled the establishment of a good working relationship with all of the affected parties.
- 6.2 The intention is to acquire by agreement the necessary land and rights and to agree accommodation works to the satisfaction of the relevant parties. Informal, early discussions have informed this process and negotiations are now under-way. In a number of instances much of the land shaded blue will remain in its current use following completion of the scheme, but is included in the Order so that access can be secured to undertake essential elements of the works.
- 6.3 Referring to the CPO Land Plan Plots 1, 2 and 3 form part of the forecourts and frontage landscaping of premises fronting Chesterfield Road. Following the highway improvements to these plots, the land not required for highway purposes will revert to the occupants to use in pursuance of their businesses, and any necessary reinstatement of landscaping or surfacing carried out.
- 6.4 Compulsory purchase powers may be used by a highway authority for:
- a) The improvement of an existing highway and associated works, including side roads and accesses;
 - b) The construction of a new highway and associated works, including side roads and accesses; amongst others.
- 6.5 The CPO may be made pursuant to Part XII of the Highways Act 1980 which enables a highway authority to acquire land for highway schemes, where it judges it necessary to achieve its policies and objectives, or to facilitate development by the private sector or other agencies. The specific sections of the Highway Act 1980 are:
- (i) Section 239, for the construction of new highway and the improvement of existing highway;
 - (ii) Section 240 for the use of land in connection with the construction or improvement of a highway; and
 - (iii) Section 260, for the inclusion of land in which the Council has an interest.

7.0 LEGAL IMPLICATIONS

- 7.1 It is the view of the Director of Legal and Governance that the CPO of the Order Land is required in order to enable the delivery of the Chesterfield Road Key Bus Route which is likely to achieve the promotion or improvement of the economic and environmental well-being of the area and its inhabitants, and consequently their social well-being as well.
- 7.2 For the reasons set out in paragraph 7.1 above the Director of Legal and Governance confirms that under the Highways Act 1980 the Council can make a CPO to acquire the land required for the Scheme or the Council may acquire the land by agreement.
- 7.3 The Office of the Deputy Prime Minister ('ODPM') (now the Department of Communities and Local Government) Circular 06/04 notes that, "compulsory purchase proposals will inevitably lead to a period of uncertainty and anxiety for the owners and occupiers of the affected land", and states that, "it is essential that the acquiring authority keeps any delays to a minimum by completing the statutory process as quickly as possible".
- 7.4 In recognition of this advice the Council should seek confirmation of the CPO from the Secretary of State as soon as possible.

8.0 FINANCIAL IMPLICATIONS

- 8.1 Cabinet has already approved £514k for the development of this bus lane. The proposed works will take the spend to £582k which will facilitate full design and feasibility works to determine the likely cost of completing this bus corridor. The funding for the scheme comes entirely from the capital element of the funding awarded by the Department of Transport as part of the Sheffield Bus Partnership Agreement and Better Bus Area Fund.
- 8.2

- The estimated cost for delivering the the final part of the scheme ranges from between £2.5m and £4m. The Better Bus Area Fund is intended to fund a number of projects across the city. In the event that the upper range of costs was reached, some other schemes would have to be curtailed unless alternative funding streams could be found.
- 8.3

- The portion of the costs allocated for land acquisition is highlighted in Part 2 of the report. This figure takes into account compensation for land take, disturbance, loss payments and fees. It also includes a risk allowance taking into account additional costs that may arise during the process. The costs of any identified accommodation works are picked up separately within the cost plan and feature as part of the civil works estimates. In order to achieve the current programme, and to meet the timescales for the Department for Transport's, the expenditure is to be incurred in 2015/16 and 2016/17. The legal costs associated with the production and advertisement of the Orders will be met by the scheme.
- 9.0

- 9.1

EQUAL OPPORTUNITY IMPLICATIONS

- 10.0 Equal opportunity implications arise from the scheme and these have been addressed as part of the initial design process, for example in the
- 10.1 provision of accessible pedestrian crossings using tactile paving.

ENVIRONMENTAL IMPLICATIONS

- Environmental implications which arise from the scheme will be addressed as part of the scheme planning and detailed design stage. A detailed Environmental Statement will be prepared as part of any future planning application which will consider issues such as air quality, ecology, noise and vibration. Those measures identified which would mitigate the impact of the scheme will be conditioned as part of this process. The scheme will reduce congestion, provide high quality, sustainable public transport, and through the redistribution of traffic,
- 11.0
 - 11.1 reduce emissions for sensitive residential areas.

COMMUNITY SAFETY IMPLICATIONS

- 12.0 Community Safety implications arise from the scheme and these have been addressed as part of the scheme planning and design process, for
- 12.1 example improved street lighting, pedestrian and cycle facilities.

HUMAN RIGHTS IMPLICATIONS

The rights of any affected parties under the Human Rights Act 1998, particularly Article 1 of the First Protocol, have been taken into account. Having regard to the public interest and the improvements the scheme will bring to the transport network, the proposed alterations to the highway network and to private means of access do not constitute an unlawful interference with any of these rights, nor do the acquisitions constitute an unlawful interference with any of these rights.

13.0 ALTERNATIVE OPTIONS CONSIDERED

- 13.1 Where it is known that the City Council requires land for the delivery of a scheme, an owner or occupier may be prepared to sell their interest, and consequently the Council can, in some cases, pursue an acquisition by agreement, without the requirement for a CPO.
- 13.2 An attempt to acquire, by agreement, the land and rights affected by the proposed scheme, prior to making a CPO has been considered as an alternative option. Negotiations continue and are encouraging but given that the Government's current spending review period dictates that all funds for the scheme need to be spent by December 2017, it is imperative for the Council to ensure that if negotiations to acquire the affected land by agreement fail, then it and any rights necessary to deliver the scheme can be acquired before the funding ends. Running these negotiations in parallel with the CPO process is therefore considered the most appropriate option.

14.0 REASONS FOR RECOMMENDATIONS

- 14.1 The use of a CPO to acquire the Order Land required for the Scheme is possible under the Highways Act 1980, and would be justified in the light of a compelling case in the public interest for the acquisition of the Order Land to enable the delivery of the Chesterfield Road Key Bus Route Improvement Scheme.
- 14.2 Where the Council propose to make a CPO under these statutory provisions, the Council must be satisfied that the development is likely to contribute to the achievement of one or more of the following objectives, namely the promotion or improvement of the economic, social or environmental well-being of their area.
- 14.3 It is considered that there is a compelling case in the public interest to justify the Council using its CPO powers to acquire the Order Land because the implementation of this scheme will reduce congestion and delays around this busy section of the network, improving service reliability for buses, conditions for economic inward investment and contributing to reduced vehicle emissions.

15.0 REASONS FOR EXEMPTION

- 15.1 The report is presented as a partially closed item because Part 2 of the report contains exempt information under paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended). The reason for this exemption is because this section contains information relating to the financial or business affairs of a particular person (including the authority holding the information).
- 15.2 It is considered that this information is commercially sensitive and by revealing market sensitive information or information of potential usefulness to competitors, it would significantly weaken the Council's position in a competitive environment.

16.0 RECOMMENDATIONS

- 16.1 Authority be given for the Council to make a CPO under the powers conferred by the Highways Act 1980 to acquire the land coloured pink and occupy temporarily during the period of the works the land coloured blue on the Map displayed at the meeting of Cabinet on the 16th September 2015 and marked 'Map referred to in The City of Sheffield (Chesterfield Road) (Chesterfield Road Key Bus Route) (Classified Road, A61) Compulsory Purchase Order 2015'.
- 16.2 Authority be given for the Director of Legal and Governance to authorise the making of the CPO, to take all necessary procedural steps prior to and after the making of the CPO, to enable the CPO to be submitted to the Secretary of State for confirmation including :

- (a) finalising the attached draft Statement of Reasons;
- (b) finalising the Schedule of Interests;
- (c) serving notices of the making of the CPO on all persons entitled to such notice and placing necessary press notices; and
- (d) taking all necessary steps to confirm the Order if authorised by the Secretary of State

16.3 Authority be given for the Director of Finance and the Director of Capital and Major Projects, in conjunction with the Director of Legal and Governance to acquire and/or secure affected land and rights by agreement in parallel with the CPO, so that the scheme can be implemented.

16.4 That the Director of Legal and Governance be authorised to sign and serve any Notices and documents and together with the Executive Director of Place be authorised to take all other necessary action to give effect to these recommendations.

16.5 As soon as the Order is confirmed by the Secretary of State to advertise the confirmation of the CPO and serve all necessary notices of confirmation and once the CPO becomes operative, the Director of Legal and Governance be authorised to serve Notices to Treat under Section 5 of the Compulsory Purchase Act 1965, and where necessary, to serve Notices of Entry under Section 11 of the same Act in respect of the land included in the Order, or to execute general vesting declarations under the Compulsory Purchase (Vesting Declarations) Act 1981.

16.6 To note that a Capital Approval submission will be brought forward for the acquisition of the land.

Ian Taylor
Transport Planner
16th September 2015

APPENDIX A

