

**THE COUNCIL OF THE CITY OF STOKE-ON-TRENT (WATERLOO
ROAD / COBRIDGE ROAD / ELDER ROAD JUNCTION
IMPROVEMENTS)
COMPULSORY PURCHASE ORDER 2019**

STATEMENT OF REASONS

1. INTRODUCTION

- 1.1 This document is the Statement of Reasons of the Stoke-on-Trent City Council ("**the Council**") for the making of a compulsory purchase order entitled 'The Stoke-on-Trent City Council (Waterloo Road / Cobridge Road / Elder Road Junction Improvement) Compulsory Purchase Order 2019 (the "Order")'.
- 1.2 The Order has been made by the Council to authorise the compulsory purchase of the "Order Lands" for the purposes of securing the construction of highway improvements at the junction of Waterloo Road, Cobridge Road and Elder Road (the "Scheme") in the City of Stoke-on-Trent.
- 1.3 The Waterloo Road, Cobridge Road and Elder Road junction has been identified as one of the priority junctions in the City for improvement in order not to constrain growth in the city. The Scheme will increase the capacity of the junction, reduce congestion and improve journey times for all users including commuters, businesses, public transport and the movement of goods into and around the city. The improvements will also enable the local highway network to cater for expected traffic demands from a nearby housing development which is currently under construction. The council is satisfied that the Scheme is necessary to promote and enhance the economic, social and environmental well-being of the area and the City as is explained in detail in this Statement of Reasons.

2. DESCRIPTION OF THE ORDER LANDS

- 2.1 The Order Lands lie to the northwest of the city centre at the junction of two 'A' classified roads, the 'A50' and the 'A53'. The junction is on a key arterial route connecting Burslem and Tunstall to the city centre.
- 2.2 The Order Lands comprise five plots in separate ownership and occupation which together amount to approximately 709 square meters (sqm) and are required to implement the scheme. These are Plots 1, 2, 3, 4 & 5 which are shown on the attached Drawing H0000391-001 and is referred to as the "Map" in the Order.
- 2.3 Plot 1 constitutes approximately 388 sqm; it is built up and occupied by The Remer Printing Works as lessee and is in the ownership of Mr Alan Stanley.
- 2.4 Plot 2 constitutes approximately 21 sqm which is rough ground at the frontage of No. 6 Elder Road. It is in the occupation of a car sales and scrap yard business, and JC Decaux - an outdoor advertising company as lessees. It is in the ownership of Ravent Ltd.

- 2.5 Plot 3 constitutes approximately 146 sqm which lies within the forecourt of No. 5 Elder Road and is used as a car park by staff and customers of Magnet Stores who are the lessees. Plot 3 is in the ownership of L.C.P Investments.
- 2.6 Plot 4 constitutes approximately 22 sqm and is covered with trees and vegetation. It adjoins Magnet Stores and is in the ownership of L.C.P Investments.
- 2.7 Plot 5 constitutes approximately 132 sqm; it lies immediately behind the footway at the frontage of Nos. 6 and 7 Elder Road and is unregistered land. Ravent Ltd have submitted an application to the land registry to register this as part of their adjoining title.

3. ENABLING POWER

- 3.1 The Order has been made by the Council pursuant to powers under Section 239, of the Highways Act 1980; and Section 226 of the Town and Planning Act 1990 for planning orders. A summary of the powers relied upon in relation to the scheme is provided below.
- a) Under Section 239 of the 1980 Act, the Council as the Highway Authority for the area may acquire land required for the construction of a highway, other than a trunk road, which is to become maintainable at the public expense, as well as any land required for the improvement of a highway.
- b) Under Section 226 of the Town and Country Planning Act 1990, the Council has the power to make a compulsory purchase order for land in its area if the Council thinks that the acquisition of the land will facilitate the carrying out of development, redevelopment or improvement on, or in relation to the land.

4. REASONS FOR MAKING THE COMPULSORY PURCHASE ORDER

- 4.1 The Council recognises that a compulsory purchase order for the scheme can only be made if there is a compelling case in the public interest which justifies the acquisition of the Order Lands from the private interests in the Order Lands and the creation of new rights. It is considered that a compelling case exists here.
- 4.2 The Council has given careful consideration to the reasons as to why it is necessary to include the Order Lands on the Order Map. All known or reputed freehold owners, lessees, tenants and occupiers affected by the Order have been invited to enter into discussions with the Council with a view to agreeing appropriate terms for the acquisition the lands. The Council has subsequently made the Order to secure the outstanding interests required to enable the implementation of the Waterloo Road / Cobridge Road / Elder Road Junction Improvement scheme. Discussions will

however continue with the owners of relevant interests in an endeavour to secure the Order Lands by agreement wherever possible and limit the number of interests which need to be acquired compulsorily.

- 4.3 The scheme forms part of a wider transport plan for the important northwest sector of the city centre. The transport plan has been developed as a result of:
- a) The need to improve connectivity on the A50 key strategic transport corridor linking the city centre with the commercial town centres of Burslem and Tunstall.
 - b) The need for the completion of the City Centre Ring Road in order to provide relief to the A53 Etruria Road heading into the city centre. This will open up land for future development and provide resilience to the road network in the event of incidents and congestion on the existing City Centre Ring Road.
 - c) Future growth within the city centre and at development locations close to the junction which will exacerbate congestion issues, worsening existing air quality exceedances.
- 4.4 At present, this junction experiences high levels of congestion and delay, especially during peak hours and is often being referred to as a 'congestion hotspot' within the city. Addressing congestion at this junction would have the following benefits:
- a) Supports growth in the city by delivering improved journey times for all users, including commuters, businesses, public transport and movement of goods into and around the city.
 - b) Improved journey time to mitigate lost or non-productive time for all transport users which translates directly into a real economic benefit to the city
 - c) Contributes to an improved perception of the city by visitors and potential future businesses and developers.
 - d) Improved health benefits to the wider community as a result of possible improvements to air quality through less nitrogen dioxide pollutant emitted from slow moving and stationary traffic.
- 4.5 In June 2016 Stoke-on-Trent City Council submitted an economic appraisal to the Department for Transport (DfT) as part of a bid to fund the Scheme from the DfT's National Productivity Investment Fund (NPIF). In preparing the assessment, a traffic assessment model was built and the results were used together with guidance from WebTAG (DfT's transport analysis guidance) to estimate monetary benefits from the Scheme as compared to scheme costs. The present value of benefits over a 60 year appraisal period was valued at £10.1 million and the scheme has a Benefit to Cost

Ratio (BCR) of 3.12. This implies that for every pound spent the scheme would generate £3.12 worth of benefit.

4.6 The Department for Transport demonstrated its support of the Scheme by its acceptance of the Council's bid and the award of a grant of £2.09m towards its implementation.

5. DESCRIPTION OF THE SCHEME

5.1 The Scheme consists of the following main features:

a) Elder Road

- Widening in the southbound carriageway from a point opposite Remer Street up to the junction with Waterloo Road. This is to enable the creation of a two-lane approach to the junction and increase in stacking capacity for vehicles. Widening will necessitate the removal of an existing retaining wall adjacent Magnet Stores and the reconstruction of the wall on land to be acquired within the store's current car park. This measure will increase the capacity of the junction to accommodate through traffic from the 'A53' – Leek New Road to the city centre, Festival Park or Burslem.
- Extending the existing northbound two-lane exit merge up to the junction with Remer Street to improve traffic flows through the junction.

b) Waterloo Road (northwest arm)

- Widening in the southeast bound carriageway from the junction with Remer Street up to the corner of Elder Road. This is to enable an increase of the number of lanes for vehicles turning left into Elder Road or going ahead along Waterloo Road. This measure will increase the capacity of the junction to accommodate through traffic from Burslem towards New Leek Road, the city centre and Festival Park.

c) Extending the existing northwest bound two-lane exit merge up to the junction with Greyhound Way. In order to extend the merge length, an existing dedicated right-turn facility into the Mercedes garage on Waterloo Road is to be removed. This measure will significantly improve the flow of traffic through the junction towards Burslem.

d) Waterloo Road (southeast arm)

- Widening of the southeast bound carriageway from the junction with Elder Road, up to an existing pedestrian crossing adjacent to Windermere Street. This measure is to enable the creation of two-lane

exit from the junction as far as Woodall Street and will significantly improve the flow of traffic through the junction towards the city centre.

- Reconstructing the carriageway at Douglas Street from the corner with Elder Street up to Woodall Street to accommodate proposed widening on Waterloo Road.
- Relocating an existing bus stop opposite the Woodall Street junction and making changes to the road marking layout to enable a freer flow of traffic towards the junction.

e) Cobridge Road

- Widening of the northeast bound carriageway from the Cobridge Community Multicultural Association (C.C.M.A.) building to the junction with Waterloo Road to enable freer flow of traffic approaching the junction.
- Removal of a splitter island and building out of the kerb at the corner with Waterloo Road (southeast arm) to increase the number of lanes entering Cobridge Road from the junction and to make left-turn manoeuvres from Waterloo Road easier.
- Widening on the southwest bound carriageway after the Black boy inn up to the entrance of the Kia dealership on Cobridge Road to increase the number of lanes and improve the flow of traffic towards Festival Park.

f) Provision of controlled crossing facilities on all arms of the junction and widening of the central reservations to create safe crossing areas for both pedestrians and cyclists.

6. PLANNING POLICY

National Planning Policy

6.1 The National planning policy is set out in the National Planning Policy Framework (“NPPF”) which was adopted on 27 March 2012. The Scheme directly responds to two core principles of the NPPF as follows:

a) Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;

- b) Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Local Planning Policy

- 6.2 The Local Plan, the joint Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006 - 2026, was adopted by the respective Councils in October 2009.
- 6.3 The Local Plan acknowledges that: *"...The CCNW area will become a popular and diverse area comprising high quality, connected and sustainable residential neighbourhoods supported by thriving employment uses, attractive open spaces and excellent community infrastructure. It will act as a gateway to the City Centre and embrace its heritage and setting, preserving and enhancing architecture of merit and strength through quality design and development. As opportunities arise there will be attention to improving the Waterloo Road Corridor and Cobridge Lights junction to allow enhanced provision for this important north-south public transport corridor."*

7. SPECIAL CONSIDERATIONS

- 7.1 The proposals do not affect any ancient monuments, listed buildings, consecrated land and do not lie within a conservation area.

8. DELIVERY AND FUNDING

- 9. The current programme consists of a 12 month construction period with a provisional start date of September 2019.

The preliminary cost estimate for the scheme is £5.09m and part funding is being provided through a grant from the Department for Transport to the value of £2.09m. There is £3.0m of funding allocated within the City Council's capital investment programme, as outlined within the approved 2018/19 to 2022/23 Medium Term Financial Strategy.

10. HUMAN RIGHTS CONSIDERATIONS

- 10.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights. The Convention includes provisions, the aim of which is to protect the rights of an individual (including companies). In resolving to make the Order the Council should consider the rights of property owners under the Convention, notably under the following articles:

Article 1 (of the First Protocol)

10.2 This protects the rights of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

Article 8

10.3 This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and it is necessary in the interest of national security, public safety or the economic well-being of the country.

Article 14

10.4 This protects the right to enjoy rights and freedom in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

10.5 In the case of each of these Articles (and indeed other provisions of the Convention) the Council should be conscious of the need to strike a balance between the rights of the individual and the interests of the public. In the light of the significant public benefit that will arise from the construction of the proposed scheme it is considered appropriate to make the order. In the circumstances, it is not considered that the Order would constitute an unlawful interference with the individual property rights.

10.6 In pursuing the Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with Convention rights is considered by the Council to be justified in this instance to secure the economic, social and environmental benefits that the Scheme will bring.

10.7 The Council is satisfied that the redevelopment of the Order Land through the Scheme will have a significant positive impact on the social, environmental and economic well-being of the City Council's area as stated in Section 4 above.

10.8 Extensive consultation has taken place in relation to the proposed scheme at the preliminary design stage with the opportunity being given for affected parties to make representations. Negotiations have also been pursued with many parties affected by the compulsory purchase order, Further representations can be made in the context of any Public Inquiry, which the Secretary of State for Transport may decide to hold in connection with the Order. Those directly affected by the Order will be entitled to compensation proportionate to the loss which they incur as a result of the compulsory acquisition.

10.9 As such, the Council has concluded that the interference with the human rights of those parties with an interest in the Order Land is justified in the public interest and that the use of compulsory purchase powers to facilitate the delivery of the Scheme is proportionate. In the event that objections are made, a public inquiry may be held and those, whose interests are to be acquired under the Order, if confirmed, will be entitled to compensation as provided under national law.

11. NEGOTIATIONS AND RELOCATIONS

11.1 The Council has considered the advice contained in paragraph 16 of the Guidance which states that:

“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.”

11.2 The Council has been in dialogue with all parties known to have interests in the Order Land with a view to acquiring those interests by private treaty. Negotiations will continue throughout the compulsory purchase process. The City Council will work with the owners of the existing businesses based on the Order Land to identify other suitable locations for them to operate in the locality.

12. CONTACTS

12.1 Owners and occupiers of properties affected by the Order who wish to progress discussions for the acquisition of their interest should contact Simon Berman, Property Services at the City Council:

simon.berman@stoke.gov.uk, 01782 232741

Stoke-on-Trent City Council, Glebe Street, Stoke-on-Trent, ST4 1HH

13. LIST OF DOCUMENTS

16.1 In the event of a public inquiry or written representation procedure, the Council will put into evidence the following documents, plans and maps.

The Stoke-on-Trent (Leek Road, Stoke) Compulsory Purchase Order 2016	
The National Planning Policy Framework	27 March 2012
The Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006 - 2026	October 2009