

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

**THE HIGHWAYS ACT 1980  
THE ACQUISITION OF LAND ACT 1981**

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**STATEMENT OF CASE  
OF THE  
ACQUIRING AUTHORITY**

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**Department for Transport Ref: NATTRAN/WM/HAO/210**

Acquiring Authority Ref: PLA055614

## **1. INTRODUCTION**

Stoke-on-Trent Council (“the acquiring authority”) is the acquiring authority in respect of The Council of The City of Stoke-On-Trent (Waterloo Road / Cobridge Road / Elder Road Junction Improvements) Compulsory Purchase Order 2019 (“the Order”).

- 1.1 On the 7th October 2019 the Acquiring Authority made the Order.
- 1.2 The land and rights to be acquired by compulsory purchase pursuant to the Order are referred to in this Statement as “the Order Land”. The Order Land is identified in the Order Map.
- 1.3 The Statement of Reasons for making the Order is annexed to this Statement of Case.
- 1.4 This Statement of Case and the Statement of Reasons for making the Order have been prepared in accordance with the guidance set out in:
  - 1.4.1 “Guidance on Compulsory purchase process and The Crichel Down Rules” issued in February 2018.
  - 1.4.2 Department of Transport Circular 1/97 “Highways Act 1980: Orders Under Section 14 of the Highways Act 1980 and Opposed Orders Under Section 124 of that Act”.
  - 1.4.3 Department of Transport Circular 2/97 “Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State for Transport is the Confirming Authority”.

## **2. STATUTORY POWERS**

- 2.1 The acquiring authority is the local highway authority for the area in which the Order Land is situated.
- 2.2 The acquiring authority has made the Order pursuant to its powers under the provisions of the Section 239 and 240 of the Highways Act 1980.
  - 2.2.1 The acquiring authority has exercised its powers under the Highway Act 1980 because it has not been possible to acquire by agreement all the

interests in the Order Land that are required for a Scheme (“the Scheme”) that will: -

- 2.2.2 Improve connectivity on the A50 key strategic transport corridor linking the City Centre of Stoke-on-Trent with the commercial town centres of Burslem and Tunstall;
- 2.2.3 Be complementary to the future completion of the proposed nearby City Centre Ring Road in order to provide relief to the A53 Etruria Road heading into the City Centre and which will open up land for future development;
- 2.2.4 Provide improved resilience to the surrounding road network in the event of incidents and congestion.;
- 2.2.5 Facilitate future economic growth within the City Centre, Burslem and Tunstall Town Centres and at potential development sites in the area. Increased Traffic Growth without mitigation will exacerbate congestion on the surrounding network which will, in turn, worsen existing air quality levels.

### **3. THE SCHEME**

- 3.1 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 the issues set out in paragraph 2.2 above.
- 3.2 At present, this junction is located at the intersection of the A53 (Cobridge Road / Elder Road) and A50 (Waterloo Road) and experiences significant levels of congestion and delay especially during peak hours. This is a strategically important junction in the city and as such addressing congestion at this junction would have the following benefits:
  - 3.2.1 Supporting growth in the city by delivering improved journey times for all transport users, including commuters, businesses, public transport and freight into and around the city. Improved journey time directly correlates to economic savings though the monetary value of the time saved associated with lost or non-productive time for all transport users.
  - 3.2.2 Contributes to an improved perception of the city by visitors and potential future businesses and developers.

- 3.2.3 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; reduced risk of road traffic accidents and measures encouraging walking and cycling as an alternative means of transport.
- 3.3 In June 2016 Stoke-on-Trent City Council submitted a high-level 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 using the principles within DfT WebTAG economic assessment guidance to estimate monetary benefits from the Scheme as compared to scheme costs. The Present Value of Benefits was calculated to be £10.1 million and the Scheme was, at the time of writing the bid document, shown to have a Benefit to Cost Ratio (BCR) of 2.0
- 3.4 The DfT demonstrated its support for the Scheme by its acceptance of Stoke-on-Trent City Council's bid and the award of a grant of £2.09m towards the implementation of the Scheme.

#### **4. DESCRIPTION OF THE SCHEME**

- 4.1 The Order Map annexed to this Statement identifies the land which is proposed to be acquired shaded pink. The plot boundaries and numbers on the Order Map correspond with the Schedule to the Order.
- 4.2 Ownership and the physical details of the Order Land are set out in Section 2 of the Statement of Reasons and are listed in the Schedule to the Order. The Schedule was prepared from information gathered through site inspections and enquiries, responses to notices issued under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and through inspections of Land Registry documents.

#### **5. PLANNING POLICY**

##### **5.1 National Planning Policy**

Evidence will be given that the scheme directly responds to two core principles of the National Planning Policy Framework (NPPF) as follows:

- 5.1.1 To take account of and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
- 5.1.2 To identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.

## 5.2 Local Planning Policy

- 5.2.1 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.
- 5.2.2 The Local Plan acknowledges that: *'...The City Centre North West 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.'*

## 6. THE NEED FOR COMPULSORY PURCHASE OF THE ORDER LAND

- 6.1 The need for compulsory purchase of the Order Land and that it is in the public interest to do so, will be demonstrated in evidence. In particular it will be shown why each plot of land included within the Order Land is required either for the construction of the Cobridge junction improvements, or to provide mitigation for the effects of the Scheme.
- 6.2 The Order Lands which are required to implement the scheme comprise five plots in separate ownership and occupation.
- 6.3 The Acquiring Authority has entered into negotiations, in accordance with Government Guidance, with the landowners affected by the Order with a view to agreeing voluntary terms of acquisition of the Order Land. The Acquiring Authority will also show that it is necessary that the Order Land is acquired to ensure that all of the land required for the Scheme is available at the appropriate time to enable the Scheme to proceed.

## **7. HUMAN RIGHTS ASSESSMENTS**

7.1 The Acquiring Authority will show that it has considered the provisions of the Human Rights Act 1998 when deciding to make the Order.

7.2 The Acquiring Authority will show that the use of the compulsory purchase powers set out in the Highways Act 1980 does not constitute an unlawful interference either with property rights protected under Article 1 of the First Protocol of the European Convention on Human Rights or the respect for private and family life and the home protected under Article 8 of the Convention because:

7.2.1 The Order has been made in accordance with the provisions of national legislation which provides the opportunity for the Acquiring Authority in its capacity as the local highway authority to make representations on the planning policies which support the development and to make representations on specific development proposals.

7.2.2 Those directly affected by the Order have had the opportunity to make objections and representations in respect of the Order and to appear at a public inquiry and, if the Order is confirmed and the Scheme constructed, they will be entitled to compensation as provided by under national law. Compensation is also available under national law in respect of the adverse effect on the value of properties arising from the use of the Scheme, once opened to traffic, including the provision of noise insulation to qualifying properties.

7.2.3 National legislation provides for independent and impartial judicial oversight of the decision-making process in respect of the Order through statutory challenge and judicial review procedures.

## **8. SPECIAL CONSIDERATIONS**

8.1 The proposals do not affect any ancient monuments, listed buildings, consecrated land and the Order Land does not lie within a conservation area. The proposals do not affect any protected habitats and species.

8.2 The objectives of the Scheme are consistent with the public interest. The total permanent land take for the Scheme is 689 square meters. The Acquiring Authority will

show that the Order Land is the minimum amount of land necessary to achieve the Scheme's objectives.

- 8.3 The Acquiring Authority will show that the making of the Order is a proportionate action when the compelling public benefits of the Scheme are balanced against the Scheme's effects on private interests. There is a compelling case that the Order should be confirmed.

## **9. SCHEME FUNDING**

- 9.1 The Acquiring Authority will submit evidence of the intended funding for the Scheme in accordance with arrangements outlined in Section 4.6 of the Statement of Reasons.

## **10. TRAFFIC REGULATION ORDERS**

- 10.1 The Acquiring Authority will submit evidence regarding any traffic regulation orders which may be required in order to implement the Scheme.

## **11. OBJECTIONS AND RESPONSES TO THE ORDER**

- 11.1 Two objections have been made to the Order and the objectors are considered to be statutory objectors within the meaning of the Highways (Inquiries Procedure) Rules 1994.
- 11.2 The Compulsory Purchase Order Guidance recognises that it may be sensible to initiate formal compulsory purchase procedures in parallel with seeking to negotiate the acquisition of land and interests in land with affected landowners and occupiers.
- 11.3 The Acquiring Authority is committed to acquiring land and rights by agreement wherever possible. The Acquiring Authority is endeavouring to progress negotiations with landowners and occupiers of the Order Land to acquire the Order Land and to agree and facilitate relocation.
- 11.4 The objections are summarised below, together with the Acquiring Authority's responses, which will be amplified in evidence.

### **Statutory Objectors**

11.5 Ravent Ltd (statutory objector) – Plot Number 2 as shown on the Order Map.

11.5.1 Summary of Objection:

- a) There has been insufficient engagement to acquire Ravent's interest affected by the Council's proposals and the Order. The Council has not made a formal response or offer to Ravent's proposal to address the adverse impact of the scheme.
- b) The Council has not fully explored alternatives to avoid the acquisition.
- c) The Council has not provided a detailed schedule of works and programme.
- d) Concern that the Council does not have sufficient funding for the scheme.
- e) There is no compelling case in the public interest in the Statement of Reasons.

11.5.2 Response to Objection:

- a) The Acquiring Authority has met with a representative of the Objector and the Objector's agent prior to the making of the Order and has provided a Schedule of Accommodation Works. The Acquiring Authority has made an offer to acquire the Objector's interest in the land by private treaty and discussions are ongoing in respect of the terms.
- b) An alternative option was considered to the proposed signalised junction, and was rejected at an early stage due to the extensive 3<sup>rd</sup> party land that would have been required, in excess of that within the current proposal.
- c) The Acquiring Authority has provided a schedule of works to the Objector. A programme of works has been provided at a meeting between Acquiring Authority and the Objector.
- d) The Acquiring Authority has a total provision of £5.09m which is sufficient for the construction and implementation of the Scheme. This is made up of a £3m City Council capital allocation and £2.09m grant from the Department for Transport. The total scheme costs are estimated to cost £4.39m and there is a provision of £0.7m for risk and contingencies.

- e) The Statement of Reasons sets out the benefits of the Scheme and the scheme objectives are clearly in the wider public interest. Evidence will be provided which sets out the compelling case in the public interest for the delivery of the Scheme and its key role as part of proposals for the City Centre North West.

11.6 Trustees of Mr A. Stanley (Deceased) & Sherwin Rivers Limited (statutory objectors) – Plot Number 1 shown on the Order Map.

11.6.1 Summary of Objection:

- a) Concern that the Council does not have the ability and commitment to complete negotiations.
- b) Concern that the Council is at risk of losing a Department for Transport grant to implement the scheme, therefore there will not be sufficient fund.
- c) Concern regarding the evidence base to support the cost-benefit ratio of the scheme.
- d) Concerns that the scheme will encourage more road users and thereby fail to tackle congestion.
- e) Concerns that the Council relies on the Order to secure the premises rather than negotiations with the owners of the premises.
- f) Concern that the Order interferes with the human rights of the owners of the premises, specifically Article 1 of the First Protocol.

11.6.2 Response to Objection:

- a) The Acquiring Authority has entered into meaningful discussions with the objector over a considerable period of time and has made considerable efforts to progress a negotiated settlement rather than entering into the Compulsory Purchase process. The City Council has formally demonstrated its firm commitment to see the scheme progressed as outlined in approved Council reports. All of which demonstrate the City Council's firm commitment to progress and complete the acquisitions of the Order Land and to complete the Scheme. An offer has now been made to the Objector agreeing to all items of the claim and to the acquisition of the land by private treaty and discussions are ongoing in respect of the terms.
- b) The overall delivery of the Scheme has been phased to ensure timely delivery of the scheme utilising the grant of £2.09m by the Department for Transport. The

Acquiring Authority has been in dialogue with the DfT to provide progress updates as required and no concerns regarding funding have been raised.

- c) The Acquiring Authority made an application to the Department for Transport for a National Productivity Investment Fund grant and was awarded £2.09m based on a business case and supporting evidence submitted with the application. Evidence will be presented outlining the forecast Scheme Cost Benefit Ratio and the supporting methodology. The economic assessment has been based on Department for Transport economic appraisal methodology and subsequently accepted by the DfT in awarding the grant funding. The scheme cost at the time of the application was £7m, however, through value engineering the costs have been reduced to £5.09m whilst the benefits remain the same. Therefore, the Scheme is likely to achieve a greater cost benefit ratio than was previously estimated.
- d) The Cobridge junction improvement is part of a package of measures identified in the Local Plan and Core Spatial Strategy which is required to enhance the north-south public transport corridor. The scheme economic appraisal work previously referred to uses forecast future traffic flows taking into account natural traffic growth through this junction. It is accepted that the attractiveness of the improved junction may induce some additional traffic growth as a result of traffic diverting from other congested routes or new 'trips' which couldn't previously be made. However, it is likely that the additional junction capacity created will not be fully taken up by this induced traffic, therefore still resulting in journey time benefits for all users of this improved junction and also on parallel or alternative routes which will have benefitted as a result. Also, to note that those new induced 'trips' through the improved junction, not previously undertaken, will also result in additional economic benefits.
- e) The Acquiring Authority has met with and has been in regular dialogue with the Objector. The Acquiring Authority has not been met with a positive response as the Objector has consistently required that the transfer of the land and property should be tied to the payment of a claim for loss of a personal pension benefit and an insurance claim. As a gesture of goodwill and to facilitate the relocation of the Objector's business, the Acquiring Authority has now acquired an industrial unit elsewhere in Stoke-on-Trent which has been offered on a re-sale basis to the Objector for the relocation of his business. The Objector previously showed interest in the unit and as far as we are aware had obtained an option to buy this unity from

the developer. In order to further facilitate the move of the Objector's premises the city council has recently acquired this industrial unit to prevent it being disposed of while negotiations were ongoing with the Objector. This demonstrating the City Council's firm commitment to progressing the acquisition by negotiation.

- f) The Acquiring Authority will demonstrate that for the reasons set out in Section 7 of this Statement, the Scheme if approved will not violate the human rights of the owners of the premises.

## **CONCLUSION**

- 11.7 For the reasons given in summary above, the Acquiring Authority respectfully submits that the objections made to the Order do not justify a decision not to confirm the Order as made.
- 11.8 The Acquiring Authority respectfully requests the Secretary of State to confirm the Order.

## **12. DOCUMENTS, MAPS AND PLANS ACCOMPANYING THIS STATEMENT**

- 12.1 The Acquiring Authority intends to refer to or put in evidence the following documents:
- (1) The Order
  - (2) The Order Map
  - (3) All policy documents referred to in the Statement of Case
  - (4) Guidance referred to in the Statement of Case
  - (5) The Objections
- 12.2 Copies of these documents are annexed hereto and may be inspected on weekdays between the hours of 9:00am and 5:00pm (4:30pm on Fridays and excluding bank holidays), from 27 January 2020 until the start of the Public Inquiry, at:
- The Civic Centre  
Glebe Street  
Stoke-on-Trent  
ST4 1HH
- 12.3 Every statutory objector and interested party in this matter may inspect and take copies of these documents.

12.4 The Acquiring Authority's documents can also be viewed on the project website at:

<http://www.stoke.gov.uk>