

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Environment and Transport
Date:	11 July 2017
Title:	Stubbington Bypass – Enabling Work and Land Approvals
Report From:	Director of Economy, Transport and Environment

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1. Executive Summary

- 1.1. The purpose of this paper is to ensure that scheme development and enabling works for the proposed Stubbington Bypass road scheme (“the Scheme”) can be progressed to a point whereby DfT ‘Full Approval’ can be secured and delivery can commence within agreed funding timescales. This includes the progression of appropriate Orders, Notices or Statutory Procedures under the powers of the Highways Act 1980 that are associated with the Scheme.
- 1.2. This paper seeks approval to progress the formal negotiations to seek to acquire the necessary third party interests by agreement to enable the construction of the Stubbington Bypass in Fareham (“the scheme”).
- 1.3. In order to ensure the delivery of the Scheme within the funding timescales agreed with the Department for Transport (DfT) and the Solent Local Enterprise Partnership (SLEP), it is proposed that a Compulsory Purchase Order should be made, following approval by the Executive Member for Policy and Resources, to run in parallel with negotiations to acquire all third party land by agreement.

2. Contextual information

- 2.1. In November 2014 a report to the Executive Member for Economy Transport and Environment regarding ‘Improving Access to Fareham and Gosport’, recommended that: ‘the preferred schemes as outlined in the report are approved as Council policy, are formally safeguarded and are progressed with immediate effect.’ Further to this recommendation, preliminary and early detailed design work was progressed in relation to the layout for the Stubbington Bypass, developed along the preferred option alignment identified following a public consultation exercise in summer 2014.

- 2.2. The Scheme forms part of the wider strategy to improve access to Fareham and Gosport by reducing congestion on the existing highway network in order to support economic development and regeneration within the sub-region. This scheme forms one of the final parts of the package of schemes designed to improve access to Fareham and the Gosport Peninsula. It will follow the completed improvements to the northern section of Newgate Lane; the Peel Common roundabout; the St Margaret's roundabout; and the improvements to the A27 (between Segensworth and the Titchfield Gyratory) and the southern section of Newgate Lane, which are currently under construction. Together with these works the Scheme aims to contribute towards the overall reduction of journey times and improved journey time reliability across the Peninsula, especially at peak times through the provision of increased road capacity and improved traffic management.
- 2.3. The principle of the construction of the Scheme is supported by the Fareham Borough Local Plan Part 2 (2015); 'Policy SP49: Improvements to the Strategic Road Network', which safeguards the alignment of the proposed road as identified in this report.
- 2.4. A planning application for the Scheme was approved by the County Council's Regulatory Committee on 21 October 2015 and a formal notice of Planning Permission with associated conditions was issued on 23 October 2015. The scheme cost is £34million.

3. Outline of the Preferred Scheme

- 3.1. In July 2015 a report to the Executive Member for Economy, Transport and Environment confirmed the detailed alignment for the Stubbington Bypass and associated improvements to Gosport Road and Titchfield Road. The approved drawing showing that alignment is attached in **Appendix 1**. The approved alignment is consistent with that submitted and approved as part of the planning application for the scheme.
- 3.2. The scheme will provide a new 3.5km long, 7.3m wide single carriageway road between the B3354 Titchfield Road and the B3354 Gosport Road, passing to the north and east of Stubbington, and will include widening at Titchfield Road and Gosport Road. Three new junctions will be provided to connect the scheme to the existing highway network, with signal junctions provided at Titchfield Road and Peak Lane, and a roundabout at Gosport Road.
- 3.3. Titchfield Road will be widened between the new Bypass and the A27 Titchfield Gyratory (approximately 1km), in order to cater for the increased traffic flows associated with the Bypass. Between the Titchfield Gyratory and the Bridge Street junction a total of four lanes will be provided; while between the Bridge Street junction and the Bypass the road will be widened to accommodate a central hatched area that will provide right-turn lanes at several locations to facilitate safe access to properties on either side of the road.

- 3.4. Three existing junctions will be improved as part of the scheme to provide increased traffic capacity. These comprise: the A27/B3334 Titchfield Gyratory, the Titchfield Road/Bridge Street junction, and the Peel Common roundabout (building upon and being consistent with the recently completed improvements).
- 3.5. The new road will be raised slightly above existing ground levels for drainage purposes, and it is proposed to have grass verges on both sides, a pedestrian /cycleway along its length, together with fencing, drainage features, environmental mitigation features and landscaping.

4. Scheme Development and Enabling Works

- 4.1. The scheme is being progressed as a DfT 'retained scheme'. The implications of this status are that further Business Case scrutiny over and above that already completed to satisfy the processes of the Solent LEP are required prior to 'Full Approval', which is the stage at which the DfT funding contribution will be confirmed and delivery can commence. The further business case work now needs to be progressed in parallel to the scheme development, enabling works, and land acquisition.
- 4.2. Enabling works now need to be progressed to advance the scheme to 'Full Approval' stage, and the point whereby funding can be confirmed and main works can be commenced within the timescales agreed with the Department for Transport (DfT) and the Solent Local Enterprise Partnership (SLEP) for a commencement of the improvement works within the 2018/19 year. These enabling works include additional survey work to inform the completion of the next levels of the design process; the progression of environmental mitigation work including the creation of new habitat to facilitate the relocation of protected species; archaeological surveys; and work required to satisfy other planning conditions; etc.
- 4.3. Prior to Full Approval being granted it is necessary to have all Orders in place, and to this end it will be necessary to establish the need for and progress, where appropriate, Orders or Notices under the powers of the Highways Act 1980 that are associated with the Scheme.

5. Third Party Land

- 5.1. The Scheme traverses third party land for almost the entirety of the new route between Titchfield Road and Gosport Road. There are also relatively small parcels of third party land required on the eastern and western sides of Titchfield Road, due to the widening works. There are some minor realignment works on the southern side of Gosport Road, between the Bypass and Peel Common roundabout, to bring the road alignment in line with design standards. In addition a section of landscape bund will be re-positioned at the boundary of the Peel Common Sewage Treatment Works. Initial steps to commence informal discussions with landowners affected by

the scheme have taken place. Initial discussions have also taken place with tenant farmers who farm areas adjacent to Titchfield Road.

- 5.2. Land interest plans for the proposed road Scheme are provided in **Appendix 2**, which shows land essentially required to deliver the scheme and which will form the basis of the Compulsory Purchase Order.
- 5.3. To provide certainty of delivery within the timescales agreed with the Department for Transport (DfT) and the Solent Local Enterprise Partnership (Solent LEP) for a commencement of the improvement works within the 2018/19 year, 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 Compulsory Purchase Order (CPO) to secure the necessary land. Given that it can take around two years to complete the CPO process including confirmation by the Secretary of State, it is proposed to commence this process as soon as reasonably possible.
- 5.4. Discussions are ongoing with the DfT regarding the process associated with the 'retained scheme' status and to ensure Full Approvals can be secured as soon as possible. However, it is important that the land negotiations and the Compulsory Purchase Order for the necessary land are commenced and progressed in the short term to meet the agreed delivery timetable and also because the DfT require all 'Orders' to be in place prior to 'Full Approval' being granted.

6. Legal Context

- 6.1. 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.
- 6.2. 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.
- 6.3. 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.
- 6.4. The public interest test is met due to the proposed acquisition delivering necessary infrastructure to serve improved access to Fareham and Gosport and to encourage much needed economic development, as well as to maximise the wellbeing of residents, particularly in the central area of Stubbington, by reducing congestion and delays to key destinations.

- 6.5. This will help to enhance the prosperity of the area overall as well as the quality of place. It should also be noted that the Scheme would run through the designated Fareham Borough Council designated Strategic Gap, so as to cause the least disruption to residents and therefore to have the least impact on their human rights.
- 6.6. 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 the 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.
- 6.7. 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.

7. Finance

- 7.1. A Funding Agreement was signed in March 2017 between the County Council and the Solent LEP for an initial advance of £3.5million up front funding provided for 2017/18 specifically to enable land acquisition, the making of a Compulsory Purchase Order, and enabling works to take place this year if possible, The £3.5million will not be exceeded before further funding is confirmed.
- 7.2. The intention is that the £3.5million advance from the Solent LEP will be used to progress the land negotiations and acquisition, and make the Compulsory Purchase Order as soon as possible in order to help secure Full Approval, which is required before DfT will release the main funding for the scheme.
- 7.3. The costs of the land acquisition 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 the works. Land agent and legal fees associated with progressing and concluding the acquisitions will also be covered by the available £3.5million.

8. Consultation and Equalities

- 8.1. The public consultation exercise undertaken in Summer 2014 on Improving Access to Fareham and Gosport, the results of which were reported in the Executive Member for Economy Transport and Environment report of November 2015, identified that 75% of respondents supported the preferred route for the Stubbington Bypass.

- 8.2. The support identified above was distributed across the peninsula with the main clusters of support located in Stubbington Village and around the southern end of the Newgate Lane and Peel Common areas. Objection to the scheme included only one cluster of objection in Ranvilles Lane.
- 8.3. At least 70% of respondents regarding the Bypass were generally satisfied that the main issues of traffic, drainage, environment, ecology, landscape, proximity to properties, design, and accessibility identified in the questionnaire had been taken into account, notwithstanding additional comments which may have been made seeking clarification or identifying areas of concern. The biggest concern was the proximity of the route to properties.

9. Future direction

- 9.1. The current intention is that the main works construction of the scheme will commence towards the end of the 2018/19 financial year, following DfT Full Approval. In order to secure Full Approval it will be necessary to complete all appropriate Orders for the scheme, to complete enabling works and also to complete all necessary land acquisition and the Compulsory Purchase Order process, if required.
- 9.2. 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 and tenants, 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 within the timescales and delivery programme agreed with the Department for Transport and the Solent LEP.

10. Recommendations

- 10.1. That authority be delegated to the Director of Economy, Transport and Environment to progress all development work for the proposed Stubbington Bypass (“the Scheme”), including the completion of all necessary steps required to secure ‘Full Approval’ from the Department for Transport (DfT), and the progression of all enabling and environmental works for the scheme, to ensure that delivery can commence within agreed timescales.
- 10.2. That the Executive Member for Environment and Transport confirms the approved alignment of the Scheme, as detailed in **Appendix 1**.
- 10.3. That authority be 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 Scheme.

- 10.4. 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 proposed Scheme by agreement.
- 10.5. That, in order to ensure the delivery of the Scheme within agreed funding timescales, 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.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	yes
Maximising well-being:	yes
Enhancing our quality of place:	yes

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
EMETE Report : ' Stubbington Bypass Update Report'	6718	9.7.15
EMETE Report ; Improving Access to Fareham and Gosport – Report of Consultation'	6154	4.11.14
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

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 scheme will be accessible to all road users. Pedestrians, cyclists and horse riders will be catered for as part of the proposals to improve access to Fareham and Gosport and mitigation has been identified to add value in terms of accessibility over and above the existing provision.

2. Impact on Crime and Disorder:

2.1. None

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

The proposed strategy to improve access to Fareham and Gosport seeks to reduce congestion and journey time delay, particularly in central areas.

- b) 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.

APPENDICES

APPENDIX 1

General Arrangement EC/RJ504603/02/022 Rev C

General Arrangement EC/RJ504603/02/023 Rev C

General Arrangement EC/RJ504603/02/024 Rev C

APPENDIX 2

CPO Overview Plan

CPO Plans x18