

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Executive Member for Economy, Transport and Environment
Date:	19 th January, 2016
Title:	Newgate Lane South – Land Approvals
Reference:	7235
Report From:	Director of Economy, Transport and Environment

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1. Executive Summary

1.1 This paper updates the report received by the Executive Member for Economy, Transport and Environment on the [26th November, 2015](#). The November paper set out the need to progress the formal negotiations for the acquisition of the necessary land, and to the making of a Compulsory Purchase Order as necessary to ensure the construction of the Scheme within the agreed timescales.

1.2 Because the rationale and proposed future direction have not changed, the November report is appended to this one. However, an update is made here in the form of a proposed minor variation to the extent of land that was agreed to form part of the Scheme at the Executive Member for Policy and Resources Decision Day held on the 10th December 2015.

2. Contextual information

2.1. The context for the development of this scheme has not changed since the previous decision taken in November 2015. Further background information is available in the following documents which can be accessed on the County Council's website:

[November 2014 Executive Member for Economy, Transport and Environment Decision Report](#);

[July 2015 Executive Member for Economy, Transport and Environment Decision Report](#);

[November 2015 Executive Member for Economy, Transport and Environment Decision Report](#) (as here appended).

3. Third Party Land

- 3.1 The scheme traverses third party land to the east of the existing alignment. The proposed alignment joins the recently improved northern section of Newgate Lane just to the north of the junction with Tanners Lane.
- 3.2 Initial steps to open negotiations with all landowners affected by the proposal have taken place, as well as the tenant farmer who farms the areas of open farmland.
- 3.3 To provide certainty of delivery within the timescales identified with the Solent Local Enterprise Partnership for a commencement of the improvement works within the 2017/18 year, and in the event that negotiations for the land are unsuccessful, it will be necessary to make 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.
- 3.4 Land interest plans showing all necessary land required for the proposed road Scheme are provided in Appendix 2 and include an overview plan as well as more detailed plans showing the individual plots. This plan is an updated version of that supplied to the Executive Member for Economy, Transport and Environment at his Decision Day on the 26th November 2015. It provides a more complete representation of the land to be included in the potential Compulsory Purchase Order. The addition of this land is a minor variation to the plans previously considered, and the difference is shown as Plot 8
- 3.5 Plot 8 is a lane that traverses the Gosport/Fareham border. In different sections it is known both as Brookers Lane and as Woodcote Lane. Although a minor section of land, the lane is important to the delivery of the Scheme. Since the November 2015 Decision Day report, new information has come to light which renders the highway status of this land ambiguous. In order to avoid delay or risk to delivery of the Scheme, authority is therefore sought to include this section of land in the area identified to comprise the potential extent of the CPO.

4. Legal Context

- 4.1 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.
- 4.2 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 consideration should be given to these conditions.

- 4.3 The public interest test is met due to the proposed acquisition delivering necessary infrastructure to serve improved access to Fareham and Gosport as well as to maximise the wellbeing of residents, particularly in the central area of Stubbington, by reducing congestion and delays to key destinations.
- 4.4 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 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 unlawful interference with individual property rights.
- 4.5 Further information on the Legal Context is available in the report presented to the Executive Member for Economy, Transport and Environment at his decision day on the 26th November, 2015, as appended to this report.

5. Funding

- 5.1. The costs of the fees associated with the land negotiations, and the progression of the Compulsory Purchase Order process will be met by the Scheme budget. This will include the necessary land agent and legal fees associated with progressing and concluding the acquisitions.
- 5.2. The aim is to undertake the negotiations and make the Compulsory Purchase Order at this stage. The costs of the land acquisition itself will be reported within the Scheme costs and will form part of the project appraisal report that will be considered by the Executive Member for Economy, Transport and Environment before the commencement of the works.
- 5.3. Further information on how the Scheme will be funded is available in the report presented to the Executive Member for Economy, Transport and Environment at his decision day on the 26th November, 2015, as appended to this report.

6. Recommendations

- 6.1. That the Executive Member for Economy, Transport and Environment confirms the revised extent of the land required to form the southern section of the proposed Newgate Lane South road scheme ("the Scheme"), in accordance with the approved alignment;
- 6.2. That the Executive Member for Economy, Transport and Environment recommends that the Executive Member for Policy and Resources provides authority to acquire all third party interests in the land required for the delivery of the Scheme, as detailed in the appendix;
- 6.3. That the Executive Member for Economy, Transport, and Environment recommends to the Executive Member for Policy and Resources that a Compulsory Purchase Order be made for the Scheme.

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

Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes
Corporate Improvement plan link number (if appropriate):	

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
EMETE – LEP Funding Scheme Update	6197	04.11.14
EMETE – Improving Access to Fareham and Gosport: Report of Consultation	6154	04.11.14
EMETE – Newgate Lane Southern Section, Fareham – Update Report	6743	09.07.15
EMETE – Newgate Lane South: Land Approvals	7106	26.11.15
EMP&R – Newgate Lane South: Land Approvals	7052	10.12.2015
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.)

<u>Document</u>	<u>Location</u>
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 acquisition of the land required for the Scheme will have no or low impact upon groups with protected characteristics. In the event that a Compulsory Purchase Order is required, the guidance published by the Department for Communities and Local Government (Guidance on Compulsory Purchase processes and the Crichel Down Rules for the disposal of surplus land acquired by, or under threat of, compulsion) will be followed.

2. Impact on Crime and Disorder:

2.1. Not Applicable.

3. Climate Change:

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

The proposed Scheme seeks to improve access to Fareham and Gosport, reducing congestion and journey time delay, particularly including through Stubbington and in Fareham. As traffic problems reduce, investment will be attracted into the area which will help generate jobs enabling residents to travel shorter distances to work.

- 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 is less congested will experience reductions in air pollution.