

# **THE LANCASHIRE COUNTY COUNCIL (BROUGHTON BYPASS) COMPULSORY PURCHASE ORDER 2014**

## **STATEMENT OF REASONS FOR MAKING THE COMPULSORY PURCHASE ORDER**

### **1. Planning**

#### **1. INTRODUCTION**

- 1.1 This is the Statement of Reasons of Lancashire County Council (the "Acquiring Authority") for making the Lancashire County Council (Broughton Bypass) Compulsory Purchase Order 2014 (the "Order").
- 1.2 In preparing this statement, the Acquiring Authority has endeavoured to provide sufficient information so that its reasons for making the Order can be properly understood.
- 1.3 This statement:
  - 1.3.1 identifies the powers under which the Order is made (Section 2);
  - 1.3.2 sets out the background to the Order (Section 3);
  - 1.3.3 provides a general description of the "Scheme" (Section 4)
  - 1.3.4 sets out the Acquiring Authority's reasons and justification for making the Order (Section 5);
  - 1.3.5 describes current negotiations with landowners (Section 6);
  - 1.3.6 describes the current planning position (Section 7);
  - 1.3.7 sets out how the road is to be financed (Section 8);
  - 1.3.8 deals with Human Rights issues (Section 9);
  - 1.3.9 sets out the arrangements for the inspection of documents (Section 10); and
  - 1.3.10 sets out contact details for further information (Section 11).

#### **2. POWERS UNDER WHICH THE ORDER IS MADE**

- 2.1 The Order is made under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 (the "1980 Act"), section 40 of the Road Traffic Regulation Act 1984 (the "1984 Act"). The powers in the 1980 Act enable the Acquiring Authority to acquire land compulsorily and acquire rights compulsorily by creating new rights for the following purposes:

- 2.1.1 the construction of a new highway which is to be a highway maintainable at the public expense ("the Bypass") and which will provide a bypass from the junction of the A6 Garstang Road ("Northern Roundabout"), to Junction1 of the M55 motorway ("Broughton Roundabout");
  - 2.1.2 the construction of a highway to connect to the above mentioned highway ("D'Urton Lane Link");
  - 2.1.2 the improvement of existing highways in the vicinity of the routes of the above mentioned highways in pursuance of the Lancashire County Council (Broughton Bypass Classified Road) (Side Roads) Order 2014;
  - 2.1.3 the provision of new means of access to premises and agricultural land in pursuance of the Lancashire County Council (Broughton Bypass Classified Road) (Side Roads) Order 2014;
  - 2.1.4 the carrying out of drainage works in connection with the construction of highways;
  - 2.1.5 the improvement or development of frontages to a highway or of the land adjoining or adjacent to that highway;
  - 2.1.6 use by the Acquiring Authority in connection with the construction and improvement of highways and the provision of new means of access as aforesaid;
  - 2.1.7 in connection with the carrying out of works related to a classified road authorised by a Side Roads Order made under section 14 of the 1980 Act;
  - 2.1.8 the mitigation of any adverse effects which the existence or use of any highway proposed to be constructed by the Acquiring Authority.
- 2.2 Section 40 of the 1984 Act enables the Acquiring Authority to acquire land compulsorily to provide off-street parking places together with means of entrance to and egress from them where it appears to the Acquiring Authority to be necessary for the purpose of relieving or preventing congestion of traffic

### **3. BACKGROUND TO THE ORDER**

- 3.1 The Acquiring Authority is proposing to construct a new road ("the Bypass") which will commence at the existing A6/M55 roundabout ("Broughton Roundabout") to the north of Preston and will run to the east of the village of Broughton to cross the B5269 Whittingham Lane at a point 370 metres to the east of Broughton crossroads ("Whittingham Lane junction"). The Bypass will then continue northwards and then westwards to rejoin the A6 at a new

roundabout to be constructed on the A6, 450 metres north of Broughton crossroads. A spur from the Bypass (the "D'Urton Lane Link") will be constructed linking the Bypass via a new roundabout ("the D'Urton Lane Junction ") with D'Urton Lane. The scheme is proposed as a solution to the safety, environmental and congestion problems in and around the village of Broughton as a result of large volumes of through traffic and the traffic signalled junctions at the A6 Broughton crossroads and the M55 Junction 1.

The objectives of the Scheme are:

- To improve the environment, particularly that of the bypassed community;
- To provide better conditions for public transportation, cyclists and pedestrians, which facilitates and encourages the increased use of transport options other than private vehicles;
- To enhance road safety;
- To assist economic growth through an efficient and sustainable transport system and maintenance of accessibility to the trunk network for the efficient transport of goods;
- To bring additional capacity to the network and improve accessibility and journey times into and out of Preston and better connectivity to the wider strategic road network, with additional benefit to the delivery of new development and economic growth in the area.

3.2 The proposed Bypass will be 1.95 kilometres in length. The northern section of the bypass between Whittingham Lane and the A6 has been designed as a two lane all purpose single carriageway road. The southern section will be a dual two lane all purpose carriageway from the B5269 Whittingham Lane to the A6/M55 Junction 1 roundabout. The D'Urton Lane Link will be a two lane single carriageway.

3.3 The Acquiring Authority has made an Order under sections 14 and 125 of the 1980 Act known as the Lancashire County Council (Broughton Bypass Classified Road) (Side Roads) Order 2014 (the "Side Roads Order") which, if confirmed by the Secretary of State for Transport, will give the Acquiring Authority the power, inter alia, to stop-up existing highways and private means of access affected by the Road Scheme and construct new highways and private means of access.

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

4.1 The Bypass will replace the part urban/part rural classified single carriageway road currently passing through Broughton with a classified road in a predominantly rural setting and, as far as possible, one that maintains the local features of the rural A6 corridor. It will bypass the village of Broughton,

and specifically avoid through traffic passing through the crossroads of Whittingham Lane, Woodplumpton Road (B5269) and Garstang Road.

- 4.2 The Scheme can be described as comprising the Bypass and D'Urton Lane Link together with their various new junctions such as the Northern Roundabout and Whittingham Lane Junction. The Bypass may be described as falling in two sections; a northern section from the new Northern Roundabout located on the A6, 450 metres to the north of the crossroads, running south east of the village to a new roundabout on Whittingham Lane, 370 metres east of Broughton crossroads, and a southern section which runs south of Whittingham Lane B5269 to Broughton Roundabout (M55 Junction 1). The proposed development will be financed and constructed as a single scheme.
- 4.3 In addition from the D'Urton Lane roundabout, a new two lane carriageway link road will join with the existing D'Urton Lane ("D'Urton Lane Link").
- 4.4 The proposed Scheme will create an all purpose vehicular highway, 1.95 km in length. The route will have general vehicular access limited to its three roundabout junctions and a limited "left-in left-out" junction formed with the existing A6 at its southern end, before it meets the Broughton Roundabout (M55 Junction 1).
- 4.5 The northern section of the Scheme will run from the A6 Garstang Road, north of Broughton, to the B5269 Whittingham Lane, and will consist of a 10 metre wide two-lane single carriageway. From the new roundabout to the north of the crossroads on the A6, Garstang Road, (Northern Roundabout) the road will run along a right hand curve, close to existing ground level, south eastwards across the pasture fields situated to the north east of Broughton village, with soft landscaping (planting belt) along its south west side separating the route from residential properties in Pinewood, Willow Tree Avenue and along the northern side of Whittingham Lane. As the route approaches Whittingham Lane from the north it runs southwards, crossing a public footpath FP25 (Barton) and passing through the line of residential properties along the northern side of Whittingham Lane. It then crosses Whittingham Lane before reaching a new roundabout junction (Whittingham Lane Junction). Two semi- detached properties (no's 35 and 37 Whittingham Lane) will need to be demolished to allow the northern section of the Scheme to be constructed. Land will also need to be acquired from numbers 27, 33 and 39 Whittingham Lane.
- 4.6 The new roundabout (Whittingham Lane Junction) will be located in the pasture fields, south of Whittingham Lane close to existing ground level, and will connect local diversions of Whittingham Lane, east and west of the route, with the Bypass. A junction on the north side of each diversion of

Whittingham Lane will provide access to the short sections of the existing lane that would be isolated immediately east and west of the route by the Bypass, and which will be retained so as to provide access to the remaining properties.

- 4.7 There is one footpath (FP25 Barton), which follows a route from Bridleway 26 Barton (BW26 Barton) to the north of the unnamed tributary of Dean Brook, and crosses this tributary to Whittingham Lane. The proposed road will sever the southern section of this footpath (FP25 Barton). As part of the Scheme, this footpath will be diverted along the eastern side of the Bypass. Once the Bypass is constructed the pedestrians will follow this line along a new length of footway. This will then join the existing footway on the diverted section of Whittingham Lane. On the diverted section of Whittingham Lane there will also be a shared use cycle track (with a right of way on foot). A signal controlled crossing, using a Toucan crossing, will be provided for the shared use cycle track on the diverted section of Whittingham Lane. There will also be an open non-signalised crossing for a shared use cycle track on the southern side of the 'new' section of Whittingham Lane. This crossing will utilise a 'splitter island' on the Bypass to the south of the roundabout at Whittingham Lane junction, in order for pedestrians and cyclists to cross the dual – two lane carriageway.
- 4.8 At the new A6 Garstang Road roundabout junction the existing cycle lanes will be crossed by the Bypass at the northern end of this section. A new shared use cycle track will be included around the western and eastern sides of the roundabout junction, which will connect to the existing cycle lanes to the north of the junction along Garstang Road. This new shared use cycle track around the junction will also connect to a new section of shared use cycle track to the south, along Garstang Road through Broughton Village. There will also be a new section of footway around the western and eastern sides of the roundabout junction that will connect to the existing footways to the north (east side only) and south of the junction. A new open non-signalised crossing will be located to the east of the junction, to allow both cyclists and pedestrians to cross the new road, in order to join the new section of shared use cycle track.
- 4.9 The proposed southern section of the Bypass will run between the Whittingham Lane Junction and a new roundabout (the "D'Urton Lane Junction") and the Bypass on this section will comprise a dual two lane carriageway. From the Whittingham Lane Junction the bypass will run south-eastwards across the pasture fields east of Broughton village along a series of right hand curves, initially close to existing ground level, then in a deeper cutting through the top of the north escarpment of the Blundel Brook Valley. Curving southwards, the route will then obliquely cross the valley on an embankment either side of Brooklands (Blundel Brook) Bridge, which will

carry the Bypass on a new bridge over the brook, before approaching the D'Urton Lane Junction in a shallow cutting.

- 4.10 There is currently one footpath (FP4 Broughton), which is located in this section of the route. This follows a route from the east, passing through fields, crosses Blundel Brook and then follows the alignment of the southern bank of Blundel Brook to Garstang Road. This footpath will be severed by the Bypass. Therefore, this footpath will be diverted and when the Bypass is constructed pedestrians will follow this line via a widened central reserve across the Bypass and along the western side of the Bypass, to rejoin the existing footpath, before being diverted again to a safe crossing point in line with its eastern alignment north of Blundel Brook.
- 4.11 The D'Urton Lane Roundabout will be located to the east of Broughton Parish Church close to the bottom of the south escarpment of the Blundel Brook Valley, with the east side of the roundabout in a shallow cutting and the west side on a low embankment. On the south east side of the roundabout, the link road connecting to D'Urton Lane ("D'Urton Lane Link") will climb out of the valley on a low embankment along a left hand curve to join D'Urton Lane.
- 4.12 The Bypass, D'Urton Lane Roundabout and D'Urton Lane link road will serve existing residential properties on D'Urton Lane and, importantly, large scale residential and employment development consented or planned in the area. This includes 300 dwellings and 2.1 ha employment land which has been approved subject to a S106 agreement at Eastway/D'Urton Lane (Planning Ref: 06/2013/0349).
- 4.13 Between D'Urton Lane Roundabout and Broughton Roundabout (M55 Junction 1) the Bypass will be a dual, two lane carriageway. widening to four lanes for southbound traffic before the roundabout with two of those lanes joining the M55 east slip road. The Bypass will extend south westwards from the roundabout along the Blundel Brook Valley south of the brook, at close to ground level. Curving south westwards along a left hand curve, the route will cross land - which is currently used by Broughton in Amounderness Church of England Primary School and the Church for car parking - and D'Urton Lane, close to its western end, to a new 'left-in left-out only' junction with the existing A6 running north, and then to the Broughton Roundabout (M55 Junction 1).
- 4.14 For the southern part of the Bypass, where it joins the Broughton Roundabout, the Bypass will pass through four properties located on D'Urton Lane, namely "Church Farm", "The Fold", "Kyne" and "Bonabri". "Church Farm" has been demolished and the other properties will also need to be demolished.
- 4.15 It is proposed to construct a new car park for use by the Primary School and Parish Church, which will be located north of the Bypass alongside Blundel Brook with an access taken from Garstang Road near Broughton Bridge.

- 4.16 The southern section of the Bypass will sever a second footpath (FP5 Broughton), which connects D'Urton Lane and Church Lane, via a footbridge over Blundel Brook and through the Parish Church graveyard. It will also sever the "Guild Wheel" cycle route, which follows the existing A6 and D'Urton Lane.
- 4.17 The existing footway for the A6 Garstang Road East will also be severed by the Bypass, at the point where the Bypass joins the Broughton Roundabout. On construction of the Bypass a new footway will be constructed for a distance of approximately 40 metres alongside the north western side of the carriageway from where pedestrians can join the existing alignment of FP5 Broughton and the proposed new cycletrack to the A6 Garstang Road. There will also be a toucan crossing, in order to join and provide a safe crossing point for pedestrians and cyclists, to the western end of D'Urton Lane.
- 4.18 In addition, the 'Guild Wheel' cycle route will also be severed by the Bypass. A connection between the cycle route on the A6 Garstang Road and D'Urton Lane will be provided through the provision of the same toucan crossing described above in paragraph 4.17 and a new section of shared cycle track. The eastern end of D'Urton Lane will be restricted for through traffic, which will reduce the flows of traffic along the cycle route. As described above, a new link road will form the new access to D'Urton Lane.
- 4.19 In addition to the acquisition of land needed for the construction of the Scheme, the Order authorises the Acquiring Authority to acquire rights over additional land. The type of rights to be acquired are as follows:
- 4.20 Plots 33 and 33B
- 4.20.1 The right for working space and access to construct noise bund, attenuation fence and boundary fence together with the right for working space to carry out, maintain and inspect landscaping works for a period of 15 years and to install keep and maintain drainage pipes.
- Plots 33A, 33C, 42 and 43
- 4.20.2 The right for working space and access to construct noise bund, attenuation fence and boundary fence; to carry out, maintain and inspect landscaping works for a period of 15 years.
- Plot 35
- 4.20.3 The right for working space and access to improve access to Church Hill House and Church Hill Lodge.
- Plots 36, 37, 40, 49

4.20.4 The right for working space and access to erect a boundary fence.

Plot 38

4.20.5 The right for working space and access to construct new access; to plant, keep and maintain a boundary hedge; to erect, keep and maintain an inner stock fence for 15 years; to install, keep and maintain drainage pipes; and to divert and alter part of stone culvert.

Plots 39, 41, 44, 44A, 44B, 51, 55, 56

4.20.6 The right for working space and access to plant, keep and maintain a boundary hedge; to erect, keep and maintain an inner stock fence for 15 years.

Plots 45, 46, 50, 54 and 60

4.20.7 The right for working space and access to construct new access; to plant, keep and maintain a boundary hedge; to erect, keep and maintain an inner stock fence for 15 years.

Plots 47, 48, 48A, 48B

4.20.8 The right for working space and access to construct boundary fence; to carry out, maintain and inspect landscaping works for a period of 15 years.

Plots 52, 53

4.20.9 The right for working space and access to construct and maintain drainage pipes; to construct and maintain headwall.

Plots 57, 59

4.20.10 The right for working space and access to construct, keep and maintain drainage pipes.

Plot 58

4.20.11 The right for working space and access to construct, keep and maintain drainage pipes and headwall.

## **5. REASONS FOR MAKING THE ORDER**

5.1 The City of Preston has grown considerably over the last forty years from the initial stimulus of the development of the Central Lancashire New Town from the mid -70s. This considerable expansion has been maintained over successive decades with a buoyant housing and employment market servicing a wide hinterland around Preston.



- 5.2 Due to Broughton's location north of Preston on the A6, between a wide rural hinterland and Junction 1 of the M55 motorway some 1.1km south, it experiences high levels of through traffic. For over 40 years Broughton has suffered with congestion and associated environmental impacts.
- 5.3 The A6 north of Preston runs generally northwards to the west of and approximately parallel to the M6 and takes in the villages and small towns of Broughton, Barton, Bilsborrow and Garstang. There are two traffic streams that use the route; car borne commuters travelling to and from Preston, and locally generated, longer distance traffic, accessing the motorway network.
- 5.4 In addition, when the 21km section of the M6 between Junction 32 and 33 is temporarily blocked or under repair the nearby parallel section of the A6, which is some 22km in length, is the main route for diverted motorway traffic. This section of the A6 is also a designated "Route for Heavy and High Abnormal Loads".
- 5.5 Traffic travelling to and from Preston from the northern hinterland and the M55 Junction 1 has little alternative other than to travel through Broughton.
- 5.6 The existing network carries substantial volumes of traffic which are forecast to increase in the future as a result of both permitted developments and as a result of the levels of planned development within the adopted Central Lancashire Core Strategy.
- 5.7 Developer contributions have been secured from consented developments that have been assessed to have an effect on traffic conditions at Broughton. Prior to the introduction of the Preston Community Infrastructure Levy (CIL) which came into effect from 30 September 2013, developer contributions have been secured towards provision of the Broughton Bypass from developments for 650 dwellings and 9000 sq metres of employment land on Whittingham Road (application number 06/2013/0779) and 65 dwellings at Forest Grove Barton (application number 06/2012/0823). Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) restricts the use of planning obligations for infrastructure to ensure that there is no duplication between funding for infrastructure through a planning obligation and funding in whole or in part by the Community Infrastructure Levy. As "Broughton Congestion Relief" highway improvements are included in the published infrastructure list for Preston, funding becomes due from CIL and not planning obligations for this scheme.
- 5.8 Improvements have recently been made to Junction 1 of the M55 to include;
- Carriageway widening to the central circulatory area to provide one extra lane;

- Carriageway widening to the A6 north and south entry points to provide one extra lane;
- Signalisation of all entry arms.
- Toucan crossing facilities on the west side of the roundabout;
- Additional cycle facilities, including advanced stop lines on the A6 southern approach, and a central cycle lane for the A6 north approach and joint use footways on the A6;
- Enhancements to the subway steps to help dismounted cyclists;
- New signing and lighting.

- 5.9 However, even with these improvements traffic levels are forecast to remain high with concomitant social, environmental and economic impacts.
- 5.10 Whilst, the recent roundabout improvement works have resulted in increased southbound capacity which has improved the operation of the traffic light controlled junction, the roundabout improvements have not reduced the volumes of traffic passing through Broughton on a daily basis, nor will they provide enough additional capacity to accommodate the additional traffic that would result from proposed development in the area.
- 5.11 The existing environmental impacts and associated unacceptable issues of congestion, safety, and air pollution are compounded as the A6 road corridor which runs through Broughton, (known as Garstang Road) is narrow. There is little opportunity to increase traffic flow at the crossroad at the A6 and B5269 through physical interventions as the footways and the traffic lanes are narrow and bounded by built developments.
- 5.12 This leads to long queues, severance of the village, safety issues and air pollution.
- 5.13 Noise pollution is an issue for the properties affected by the current high levels of local traffic. The proposed Bypass will result in over fifty properties experiencing a "major beneficial" or "moderate beneficial impact" whilst no residential properties are predicted to experience a "major adverse" impact, however, three properties are predicted to experience a "moderate adverse" impact.
- 5.14 In 2012 Preston City Council declared an Air Quality Management Area for Broughton village due to high annual mean levels of nitrogen dioxide (NO<sub>2</sub>) attributable to vehicle emissions. The proposed Bypass will remove a large volume of traffic from Broughton Village and result in a considerable improvement in air quality resulting in a substantial reduction in pollution levels such that the designation of the Air Quality Management Area will no longer be required. This would have positive impacts on the health of those living within the village and the pedestrians and cyclists who travel through it.

- 5.15 The traffic modelling demonstrates that the new Bypass including the new junctions would all operate satisfactorily in the design year of 2032 and that traffic levels on the A6 south of the existing cross roads would decrease by between 59 and 89% in 2032. These figures take into account the additional traffic that would arise from the development of the land allocations contained within the adopted Core Strategy
- 5.16 The Bypass would result in the opportunity to make improvements to the quality of the public realm, reduce severance in the village, reduce pollution levels to acceptable levels and provide for improved conditions for cycling, public transport and pedestrians.
- 5.17 This improvement of the environment for pedestrians and cyclists is a priority of Preston City Council and is set out in policy T9 of the Preston Local Plan. These potential improvements could not take place without the implementation of the Bypass. These public realm improvements to Broughton village have also been programmed within the Central Lancashire Highways and Transport Masterplan which was adopted by the Acquiring Authority in 2013. This is especially important given the fact that large numbers of school children walk and cycle to the two schools located within the village.
- 5.18 The proposed Bypass would provide the additional benefit of the delivery of new development and economic growth in the wider area, without which the levels of development proposed in the adopted Central Lancashire Core Strategy could not be delivered.
- 5.19 The Central Lancashire Highways and Transport Masterplan provides a strategic overview, with programmed infrastructure delivery to support Preston's growth, including reference to the importance of the Bypass. At the time of the publication of the Masterplan the ability to source the finance for the complete Bypass was uncertain so it was proposed to stagger the construction of the bypass with the development of the northern section first.
- 5.20 However, in September 2013, Central Government agreed a City Deal with Preston, South Ribble and Lancashire County Councils. This provides certainty for the finance of vital infrastructure including the construction of the Broughton Bypass. Consequently, the Acquiring Authority intends to construct the whole Bypass and D'Urton Lane link road as one Scheme. This would provide the optimum solution to the problems experienced by the villagers of Broughton of noise and pollution associated with the traffic congestion. It would also facilitate the improvements to the public realm of Broughton which would have wider benefits including the ability to implement Preston City Council's long held objective of improving facilities for pedestrians and cyclists within the village.

- 5.21 Most recently in September 2013, as part of the City Deal Infrastructure Delivery Programme of £334 million, the importance of the Broughton Bypass has been recognised in providing critical relief to the A6, North East Preston and the M6, supporting the development of housing sites to create over 1400 homes as well as enabling the development of further employment sites. This sets out clearly the importance of the construction of the Bypass not only to the Acquiring Authority, Preston City Council but also, Central Government and provides assurance that funding would be forthcoming.
- 5.22 Consequently, there is a long standing requirement to construct the Scheme and a commitment to fund it to enable the objectives to be achieved;
- To improve the environment, particularly that of the bypassed community;
  - To provide better conditions for public transportation, cyclists and pedestrians, which facilitates and encourages the increased use of transport options other than private vehicles;
  - To enhance road safety;
  - To assist economic growth through an efficient and sustainable transport system and maintenance of accessibility to the trunk network for the efficient transport of goods;
  - To bring additional capacity to the network and improve accessibility and journey times into and out of Preston and better connectivity to the wider strategic road network, with additional benefit to the delivery of new development and economic growth in the area.

### **5.23 Alternatives to the Bypass**

5.23.1 The Acquiring Authority has considered a variety of solutions, such as on-line improvements, park and ride facilities, a new junction on the M6 Motorway, and alternative bypass alignments to alleviate the traffic problems in Broughton. These have been rejected as being inferior to the bypass scheme proposed because they dealt less effectively with the range of issues and problems caused by the traffic travelling through Broughton.

5.23.2 The following rejected options were considered as alternatives to the Scheme;

(i) Option 1: On-line Improvement to A6 Garstang Road

This option was rejected because it would irrevocably alter the appearance and character of the centre of Broughton and would retain the high traffic levels through the village. There would be no overall benefit to Broughton and its residents in terms of traffic and noise reduction, air quality improvements, amenity enhancement and severance.

(ii) Option 2: Park and Ride Facility in the Broughton Area

This option was rejected because it was assumed that a small number of users drawn from a limited source, i.e. from A6 Garstang Road only, would use it. Consequently such a park and ride facility would be lightly used and the traffic remaining on the A6 through the village would remain close to its present levels. There would be no perceptible overall benefit to Broughton and its residents in terms of traffic and noise reductions, air quality improvements, amenity enhancement and severance.

(iii) Option 3: New Junction on M6 in the Garstang/Brock Area

Historically, the option of a new junction on the M6 has been put forward as an option in order that the motorway could be used as a bypass for local traffic. However, this would not have been consistent with Department of Transport guidance and is contrary to the guidance set out in Department of Transport Circular 01/2013 which states in paragraph 39, *"Where appropriate, proposals for the creation of new junctions or direct means of access may be identified and developed at the Plan-making stage in circumstances where it can be established that such new infrastructure is essential for the delivery of strategic planned growth."*

*"Where the strategic growth test cannot be met there will be no additional junctions with , or direct means of access to, motorways and other routes of near motorway standard other than for the provision of signed road facilities for road users (see Annex B) , maintenance compounds and, exceptionally, major transport interchanges."*

(iv) Option 4: Bypass of Broughton to the West of Village

Two route options were considered to the West of the village. Both were rejected because of the visible impact of the elevated route close to the fringes of the village, the substantial impact of the route on embankment on the landscape and nature conservation interest of Barton Brook and Blundel Brook. The junction configuration at its southern end with its inadequate connection for the Link to Eastway and the substantial extra cost required for the two bridge crossings of the railway and the extra length of both routes were additional reasons for their rejection.

(v) Option 5: Alternative Route for Bypass to the East of Village

The alternative alignment for the option of a bypass east of Broughton close to the village centre and utilising a widened section of the A6 corridor south of Keyfold Farm was rejected because of its impacts on the nearby south-eastern fringe of the village, on agriculture and on the Preston Marriott Hotel. This option would also adversely affect many trees protected by Tree Preservation Orders, the established rural appearance of Garstang Road where it would be widened, and access, particularly by pedestrians walking to and from Broughton-in-Amounderness Primary School and St John Baptist Church. The increased severance of these two establishments from the village by the route plus the substantial cost of service diversions and the inadequacy of the connection for the Link to Eastway also militate against this option.

- 5.24 These various alternative solutions were all rejected as being inferior to the Scheme proposed because they dealt less effectively with the range of issues and problems caused by the traffic travelling through Broughton. Furthermore, it was judged that these solutions would not achieve the proposed objectives for the Scheme.
- 5.25 Furthermore the Inspector at the Public Inquiry into the Preston Local Plan stated in his report in 1998 that the Link to Eastway from the bypass via D'Urton Lane is so closely associated with the bypass that the bypass cannot operate without it, and recommended the consolidation of the two routes into one policy. Therefore the various options considered, in particular the alternative routes for the bypass, would need to satisfy this additional requirement.
- 5.26 Importantly he stated, *"The construction of the Broughton Bypass is essential for the resolution of traffic problems at Broughton"*.

## **6. NEGOTIATIONS WITH LANDOWNERS**

- 6.1 Subject to legal procedures, it is intended to start the construction of the Scheme in Autumn 2015. The planning boundary encloses approximately 18 hectares. Approximately one hectare (Plots 11, 12, 18, 24, 26, 27, 28, 30, 31 and 32) has already been acquired by the Acquiring Authority by agreement. The remaining 17 hectares remain the subject of negotiations for acquisition. The Acquiring Authority, as highway authority, is already the owner of the freehold interest in a number of plots or parts of plots and its interests in the various plots or parts thereof are included in the Order under the provisions of paragraph 260 of the 1980 Act.

6. 2 All owners and occupiers with an interest in land have been approached to ask if they would be prepared to enter into negotiations with the Acquiring Authority for the purchase of their interest. Detailed negotiations are taking place with a number of land owners and occupiers, however the Acquiring Authority has concluded that acquisition by agreement is unlikely to occur in all cases or in any event within sufficient time to ensure that the programme for the construction of the Scheme is met. There are also a few interests, for example where the owner is unknown, where it will not be possible to acquire the interest except by way of compulsory acquisition.

#### **Plots 1, 3 and 4**

These Plots are farm land comprising of one farm holding. The owners (being members of the same family) have been contacted to open negotiations and have appointed a surveyor. The county council has agreed to the provision of a livestock underpass under the new highway (subject to obtaining planning permission) as this should significantly mitigate the adverse effect of disruption to the agricultural operations. In addition boundary fencing and new field accesses have also been agreed as accommodation works. Negotiations are ongoing in relation to the acquisition of the land.

#### **Plots 2, 32A, 32B, 32D, 32F**

These plots are owned by the Secretary of State for Transport and are existing highway or land adjoining the existing highway. The Secretary of State has given consent pursuant to section 327 (2) of the Highways Act 1980 to the Acquiring Authority for the land to be acquired by way of a compulsory purchase order.

#### **Plots 5 and 6**

These Plots form part of an agricultural unit which is not a working farm. The owners have been contacted to open negotiations and have appointed a surveyor. The county council is waiting for the land owner's surveyor to provide proposed terms for the acquisition of this land.

#### **Plot 7 and 8**

This plot comprises of extended garden land of two adjoining semi detached private residential properties. This land is managed as one plot owing to the family connection between the two plots' ownership. The owners of this plot have appointed a surveyor to negotiate the sale of their land interests and negotiations are ongoing.

#### **Plot 9**

This plot comprises of some garden land and agricultural land adjoining a private residential property. The owner has died recently and probate has not been finalised. The personal representatives of the deceased have been contacted to advise that the county council would like to negotiate purchase of land required for the Scheme.

#### **Plot 10**

This plot is the entirety of a private residential property comprising semi-detached house with garden at the front and rear. The land owners have been approached, they have appointed a surveyor and a purchase price has been agreed for the acquisition of the property.

#### **Plot 11, 12, 18, 24, 26, 27, 28, 30, 31 and 32**

The Acquiring Authority already owns the freehold of these Plots. Except for plots 18, 24 and 30 these comprise of residential properties. These properties are occupied although the basis of occupation provides for vacant possession at short notice. Plot 30 is a residential property which was not occupied and has been demolished. Plot 18 comprises of a small area of playing fields and unutilised land adjoining this at Broughton-in-Amounderness Church of England Primary School. The school are aware of the proposal. The land will be appropriated for highway use pursuant to the Local Government Act 1972. Plot 24 comprises of car park for use by the same school and St John the Baptist Church. The intention is to provide a replacement car park on land adjacent to the A6 north of the Bypass. Plot 26 is adopted highway.

#### **Plot 13, 16, 17 and 20**

These plots comprise of agricultural land let on two, five year Farm Business Tenancies: One tenancy being to a local farmer operating a commercial agricultural unit and the other tenancy includes a house and buildings and the tenant keeps horses. The Trust which owns the freehold has been contacted to open negotiations and has appointed a surveyor. The same surveyor also acts for the two tenants. The negotiations with the surveyor have agreed the specification of new boundary fencing together with hedge planting and provision of a new gated access to serve an area of severed land by the road. Negotiations are ongoing as far as the acquisition of the land.

#### **Plot 14 and 29, 29A & 29B**

These plots are owned by Redrow Homes Limited. Plot 14 comprises of agricultural land. There is no defined boundary between this land and the adjoining land, and as such Redrow Homes Limited allow the land forming plot 14 to be farmed by a local farmer who farms the adjoining land. Plot 29 comprises of 3 small segments of land which are sandwiched between other land titles located south of D'Urton Lane and form part of the residential



curtilage of plots 27 and 28. Redrow Homes Limited has been contacted to open negotiations and has appointed a surveyor. Discussions are ongoing between the county council and the surveyor in respect to acquisition of the land.

#### **Plot 15, 15A, 15B, 15C**

This comprises of agricultural land. The land identified comprises of small slivers/segments which are as a consequence of the sale off by the owner of Plot 14. The owner has been contacted and has appointed a surveyor and negotiations are ongoing as far as acquisition of the land. Fencing and hedging against the new boundary has been agreed as accommodation works.

#### **Plots 21, 22 and 23**

These plots comprise of woodland. The owners have been contacted to open negotiations and have appointed a surveyor. The county council has entered into negotiations with the surveyor which are ongoing.

### **6.3 Crown Land**

Plots 2, 32A, 32B, 32D and 32F are in the ownership of the Secretary of State for Transport. The Secretary of State has given consent pursuant to section 327 (2) of the Highways Act 1980 for these plots to be acquired by the Acquiring Authority by way of the Compulsory Purchase Order.

## **7. THE PLANNING POSITION**

- 7.1 There is a long history at both a strategic and local planning policy level of support for the Scheme. Broughton Bypass was identified in The Lancashire Structure Plan 1991- 2006 adopted in February 1997, "Greening the Red Rose County", under Policy 34 (b), as part of a package of measures designed to improve the environment and to provide better conditions for public transport, cyclists and pedestrians.
- 7.2 The adopted Joint Lancashire Structure Plan 2001-2016, adopted in March 2005, again confirmed the long standing need for a bypass and included the Broughton Bypass as a proposed road improvement scheme under Policy 8. At the time that this plan was adopted in March 2005, the Acquiring Authority had already granted planning permission in July 2001 for the Bypass in order to alleviate congestion suffered within the village.
- 7.3 Following the demise of the Joint Lancashire Structure Plan, the three Central Lancashire authorities of Preston, South Ribble and Chorley adopted the Central Lancashire Core Strategy in July 2012. Policy 3 of the Core Strategy makes reference to, "*The best approach to planning for travel will involve a*

*series of measures", inter alia, "(h) Improving the road network with: i. bypasses of Broughton and Penwortham".*

- 7.4 The route of the proposed bypass is shown on the Key Diagram of the Core Strategy and is consistent with the line of the approved planning application.
- 7.5 In addition, Policy 30 of the Central Lancashire Core Strategy aims to *"improve air quality through delivery of Green Infrastructure initiatives and through taking account of air quality when prioritising measure to reduce road traffic congestion".*
- 7.6 The extant, Preston Local Plan, adopted April 2004, protects the route of the Broughton Bypass and the D'Urton Lane/Eastway link road under Policy T5. This route was protected primarily to facilitate a package of measures including construction of the Bypass to improve the environment of the A6 within the village and provide better conditions for pedestrians, cyclists and public transport.
- 7.7 Paragraphs, 9.25 and 9.26 of the Preston Local Plan state:
- "At the Local Plan Inquiry the Inspector considered issues relating to the need for the bypass, its environmental impact and the potential environmental advantages of the proposal, as well as other options to resolve the traffic problems. It was concluded that the question of the need for the bypass had been justified in full at the Examination in Public into the Structure Plan and that there was no further evidence before the Local Plan Inspector which would justify rejecting those conclusions.*
- In considering the environmental impact of the proposed bypass, it was concluded that whilst there would be some adverse impact as a result of building the road, this would not be so harmful as to justify not conforming to the Structure Plan policy. Further, the adverse environmental effect of existing and forecast traffic levels (including noise and pollution) on road users and the local community are such that they could not be overcome by means other than the bypass."*
- 7.8 Preston Local Plan policy T8 aims to improve facilities for cyclists and pedestrians and to enhance highway safety, including; *"(h) the introduction of a package of environmental measures on the A6 through Broughton to introduce traffic calming and assist pedestrians and cyclists."*
- 7.9 The most up to date development plan position is set out in the publication version of the Preston Local Plan 2012 - 2026 (Site Allocations and Development Policies) which is due to be submitted for examination in spring 2014. As part of this plan, draft Policy IN2 safeguards alignments for the Broughton Bypass and D'Urton Lane/Eastway link road. Paragraphs 3.27-

3.30 below set out the up to date policy context for protecting the route and building the bypass:

*"The current Local Plan (2004) contains proposals for a bypass of Broughton village, on the A6 just to the north of Preston. This is referred to in Policy 3 of the Core Strategy. Heavy volumes of traffic through Broughton result in severe congestion, delay and environmental problems. The bypass has long been a proposal of the County Council, which granted permission for a scheme in 2001. This was renewed in 2008.*

*The County Council has committed some funding for the Northern section of the bypass. Remaining contributions will come from private sector contributions, including the former Whittingham Hospital site which has permission for a mixed use scheme including 650 houses. This permission limits the amount of new development that can take place before the construction of the bypass commences*

*Associated with the bypass are proposals for a new road linking the bypass to D'Urton Lane and Eastway. This will be funded through the development of land to the north and south of D'Urton Lane that forms part of the North West Preston Strategic Location (site reference MD2 (A)).*

*Construction of a new road link between the A6 Garstang Road and the B5269 Woodplumpton Road\* along the line of the consented bypass is now programmed for completion in 2015/16. Construction of this link and associated changes to the Broughton crossroads will not prejudice the delivery of the full bypass from an engineering perspective. Completion of the bypass remains the only practicable means of removing through traffic out of the village and to provide the necessary additional network capacity to support any further development which adds traffic to the A6 Broughton crossroads."*

\* Preston City Council has confirmed that this should read Whittingham Lane.

- 7.10 This strong policy promotion of the Broughton Bypass has also been reflected in the history of approved detailed planning permissions for the Bypass as a way of removing through traffic from the village and providing capacity for additional development.
- 7.11 On 19 July 2001 planning permission 06/00/0678 was granted by the Acquiring Authority under the provisions of the Town and Country Planning General Regulations 1992 for the construction of the Bypass. This planning permission was subject to a five year time limit for implementation imposed by Section 91 of the Town and Country Planning Act. As no material operations to commence road construction had started by the expiration of the planning permission for the new highway by July 18 2006 an application was made before that date for renewal of the planning permission.

- 7.12 The renewal application ref 6/06/0589 was accompanied by updated information relating to the ecological impacts of the development most particularly in relation to European Protected Species such as great crested newts and bats. Natural England considered that the mitigation measures included within the earlier permission did not allow compliance with the Habitats Regulations. A further planning application ref 6/07/0320 was therefore submitted to provide for the construction of further ponds and habitat areas adjacent to the new road and also the construction of a traditional agricultural building to provide for bat mitigation. The Acquiring Authority granted planning permission for the renewal of the original permission and for the additional ecological mitigation measures on 30 July 2008. Both permissions were subject to a five year implementation period expiring on 29 July 2013. Further applications reference numbers 6/13/0527 and 6/13/0528 to renew the permissions were submitted and the Acquiring Authority granted planning permission for the renewal of both permissions on the 18 December 2013.
- 7.13 There is a compelling case for the construction of the Scheme within the adopted and emerging Development Plan for the area. The Bypass also benefits from extant planning permissions providing for its construction and associated mitigation measures.
- 7.14 This compelling case has been demonstrated in recent planning appeal decisions where Planning Inspector's have referred to the need to overcome the longstanding and long recognised issues impacting on Broughton.
- 7.15 Specifically, an appeal (APP/N2345/A/12/2169598) August 2012, at Whittingham Lane against the refusal of permission for application 06/2011/0344, where the Inspector stated in relation to the highways issues, that there was considerable uncertainty that highway improvements including the planned and permitted Bypass would come to fruition,

*"Summing all this up, the committed development in the locality will greatly exacerbate the already extreme conditions at Broughton Cross between now and the design year of 22016/17, and in practice until the By-pass is open (Para.31)*

*The first chink of light would be the improvement to the M55/A6 roundabout junction to remove the tailback between the M55 and Broughton Cross. However, this is not seen as an isolated scheme, but an improvement as part of the Broughton By-pass. As such, it is unlikely to materialise for several years and certainly beyond the period of a planning consent for the appeal scheme if granted today. Without either improvement of the M55/A6 junction or construction of the Broughton By-pass itself, the highway conditions would move from the current extreme to a stage further beyond and this would run*

*counter to the Framework policy criterion evinced by paragraph 32. Incidentally, there is no suggestion that the receipts from the New Homes Bonus would or could be directed towards improving highway conditions, even if Preston was the beneficiary."*

- 7.16 As part of his conclusion he was clear, *"In summary, the key problem with the appeal proposal is that the residual cumulative highway problems would be extreme and this runs counter to the Framework Policy. Moreover, the committed development that would affect the same highways, and especially Broughton Cross, is destined to make the situation far worse, with the attendant dangers and delays and impedance to emergency vehicles and public transport. There is a further problem of air quality on the A6 in Broughton. The Broughton By-pass is some way off and the proposed interim improvements at Broughton Cross and the Travel Plan do not overcome the problems. In fact, with external conditions as there are, it is not certain that targets that may be defined in the Travel Plan would be achieved. As such, the highway objection constitutes a compelling reason for resisting this development at this time."* This appeal was dismissed in August 2010.
- 7.17 Another appeal decision in August 2013 for housing in the village of Barton (APP/N2345/A/13/2192362) directly to the north of Broughton, identified traffic conditions and highway safety issues in relation to Broughton crossroads. However, this time the Inspector allowed the appeal; *"The situation is materially different from that which existed 12 months ago. The M55 roundabout junction improvements are within a few months of completion and will materially improve the situation at Broughton Crossroads. There is greater certainty about the delivery and timeframe of delivery of the Broughton Bypass. It is on this basis that the Council, on the advice of the Highways Authority, withdrew its objections, subject to a financial contribution towards the cost of the bypass"*.
- 7.18 Most recently in January 2014, an Inspector allowed development on the same site set out in paragraph 7.15 above. This time the Inspector said in upholding the appeal (APP/M2345/A/13/2202762), *"The County Council now indicate that they have sufficient resources of their own to complete the northern section of the by-pass, which would partly relieve the crossroads, but it would be their preference to carry out the whole project in one operation. There have been discussions with the Homes and Communities Agency, on behalf of the Whittingham Hospital development and an earlier release of the funds is anticipated, but no clear evidence was offered to the present Inquiry to suggest that their payment is imminent. However, since the previous appeal, Preston has been offered City Deal status, The effect of which is to provide forward funding of infrastructure projects before developer contributions are collected. Using this facility, it is intended that work on the*

*scheme will commence in 2015, with an anticipated completion date in 2017, avoiding the uncertainty surrounding the programme for obtaining the finance identified by the previous Inspector.*

7.19 *It is recognised that this falls short of a firm commitment to complete the work in accordance with the programme, especially as the necessary land and property has yet to be fully acquired. Nonetheless, a serious impediment to progress- timing of the availability of funds- has been relieved and there is much stronger reason to consider that the by-pass will become available in the short to medium term than was previously the case"*

7.20 It is evinced from the above that the implementation of the bypass is vital to ensure that sustainable development can take place and that a traffic and highways situation which was considered by a planning inspector to be a "current extreme" and a barrier to development could be overcome by the implementation of the bypass.

7.21 In this case, it is clear that paragraphs 186 and 187 of the NPPF are particularly apposite, *"Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.*

*Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."*

7.22 The implementation of the Broughton Bypass would be such a development.

## **8. FINANCE OF THE SCHEME**

8.1 The total estimated cost of the Scheme is £23.7 million, which will be met from a combination of public and private sector funds.

8.2 The Scheme is one of four major highways infrastructure schemes now to be delivered within the framework of the Preston, South Ribble and Lancashire City Deal agreed between the local authorities and Central Government in September 2013. This framework provides a greater degree of funding certainty than it has previously been possible to achieve as it commits the Homes and Communities Agency as a key landowner to bring forward sites for development while working with the local authorities to ensure that the relevant transport infrastructure is built, in part utilising the proceeds from sale of the various development sites across the whole of the City Deal area.

- 8.3 The Scheme is identified in Preston City Council's section 123 list in support of the Central Lancashire Authorities proposals for Community Infrastructure Levy, supporting the priority attached to its delivery.
- 8.4 The delivery of the City Deal is supported by an Infrastructure Delivery Fund totalling some £383 million which brings together funding from:
- A 10 year local major schemes grant allocation from the Department for Transport;
  - Lancashire County Council's own capital resources some of which are internally generated and some of which are provided as a separate grant from the Department for Transport;
  - Receipts from the sale of development land by the Homes and Communities Agency and the two District Councils;
  - Contributions from developers through Community Infrastructure Levy and through site specific section 106 and section 278 agreements;
  - Contributions of New Homes Bonus and additional business rates from the local authorities.
- 8.5 The City Deal Infrastructure Fund is intended to deliver a single programme of work including the Broughton Bypass Scheme, which because of the phasing of housing development and the fact that planning permission for the route has already been granted, will be one of the first schemes to be delivered as one of a number of schemes for congestion relief in the Broughton area which began the process of delivery in the 2013/14 financial year.
- 8.6 Given the level of financial commitment into the scheme within the totality of the Fund and the nature of agreements already in place with landowners and developers of sites in the Broughton area the funding of the scheme within the overall Infrastructure Delivery Fund is in place. The City Deal funding arrangement does not require the receipt of confirmed funding from developers in advance of major road infrastructure provision. The County Council within the framework of the City Deal has, as set out in the Infrastructure Delivery Plan approved by the County Council's Cabinet and the District Councils in April 2014 and in its commitment to the City Deal signed with Government approved at its Cabinet on 6 July 2013, agreed to underwrite the impact of any timing differences of this sort in relation to schemes to be delivered within the City Deal framework.

## **9. HUMAN RIGHTS**

- 9.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ('the Convention'). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

- 9.2 The following articles of the Convention are relevant to the determination as to whether the Order should be confirmed:
- Article 6 entitles those affected by the powers sought in the Order to a fair and public hearing by an independent and impartial tribunal.
  - Article 8 protects the right of the individual to respect for his private and family life, his home and his correspondence. A public authority cannot interfere with these interests unless such interference is in accordance with the law and is necessary in the interests of, inter alia, national security, public safety or the economic wellbeing of the country;
  - Article 1 of the First Protocol protects the right of everyone to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws. As with Article 8, any interference with possessions must be proportionate and in determining whether a particular measure is proportionate a fair balance must be struck between the public benefit sought and the interference with the rights in question.
- 9.3 The Order has the potential to infringe the human rights of persons who own property in the Order Land, Such infringement is authorised by law provided:-
- the statutory procedures for obtaining the Order are followed and there is a compelling case in the public interest for the Order; and
  - any intervention with the Convention right is proportionate to the legitimate aim served.
- 9.4 The Scheme has been designed to minimise interference with the peaceful enjoyment of a person's possessions under article 1 of the First Protocol of the Human Rights Act under which no one is to be deprived of their possessions except in the public interest. Any interference with the right has to be provided for by law and strike a fair balance between the public interest and the protection of the rights of the individual. The Acquiring Authority believes that the construction of the Bypass is in the public interest and that this outweighs the harm caused by the use of compulsory purchase powers to acquire third party land for the Scheme.
- 9.5 In processing the Order and other related Orders, the Acquiring Authority has complied with all relevant legislation and regulations which provide an opportunity for those affected to object to the Orders and have their representations considered at a public inquiry. The land to be acquired for the Scheme which is the subject of the Order has been kept to the minimum necessary to construct the road and associated mitigation measures. The public interest can only be safeguarded by the acquisition of this land and



such acquisition would not place a disproportionate burden on the affected land owners. In addition, the Scheme already has the benefit of planning permission the grant of which involved the weighing all material planning considerations including the public benefit of pursuing the Scheme against any disruption and interference that would be caused to individual rights.

## **10. INSPECTION OF DOCUMENTS**

10.1 The following documents are available for public inspection during normal office hours at:

10.1.1 Environment Directorate, County Hall, Preston, PR1 0LD:

10.1.2 Preston City Council, Town Hall, Preston, PR1 2RL;

10.1.3 Fulwood Library, 294 Garstang Road, Preston PR2 9RX

10.2 The documents are:

10.2.1 the Order and accompanying plan;

10.2.2 this Statement of Reasons;

10.2.3 forms associated with the Classification of Highway

10.3 The documents can also be viewed on the County Council's website [www.lancashire.gov.uk](http://www.lancashire.gov.uk).

## **11. CONTACT DETAILS FOR FURTHER INFORMATION**

11.1 Interested parties affected by the Order who wish to discuss matters with the Council should contact Martin Galloway by one of the following means:

11.1.1 by telephone on 01772 532096

11.1.2 by e-mail to [martin.galloway@lancashire.gov.uk](mailto:martin.galloway@lancashire.gov.uk);

11.1.3 by post to Lancashire County Council, Environment Directorate, County Hall, Preston, PR1 0LD marked for the attention of Martin Galloway.