

## **ADDENDUM TO REPORT – DAVITT JONES BOULD**

### **1. INTRODUCTION**

- 1.1 This proposed compulsorily purchase order seeks to acquire land to facilitate the carrying out of highway improvements to the Victoria Arch Bridge, in Woking Town Centre, and to adjacent highways in the vicinity.
- 1.2 The highway improvements to be carried out are recognised in the Council Infrastructure Delivery Plan. The Council's Core Strategy Policy 'CS18 Transport and Accessibility' provides the policy basis for the delivery of the improvements. The Site Allocations Development Plan Document ("Site Allocations DPD") and the accompanying Proposals (Woking Town Centre Inset) Map safeguards land to enable the delivery of the improvements as a 'Major Highways Improvement Scheme'
- 1.3 The land to be compulsorily acquired includes the whole of the land bounded by Guildford Road, Victoria Road and Station Approach (the "Triangle Site"). The Council intends to carry out comprehensive residential development on the residual area of this land, which is not required for the carrying out of highway improvements.
- 1.4 The compulsory purchase of all of this land is necessary to enable the development of the land in the manner referred to, in accordance with the Council's policies and within a reasonable timescale.
- 1.5 For the reasons set out in this Addendum Report, it is considered that there is a compelling case in the public interest for making this compulsory purchase order.

### **2. ORDER LAND**

- 2.1 The land which the compulsory purchase order (the "Order") seeks to acquire comprises:
  - 2.1.1 land at each end of the Victoria Arch Bridge;
  - 2.1.2 the Triangle Site; and
  - 2.1.3 further land adjoining Guildford Road, Victoria Road, Station Approach and Victoria Way;  
  
together shown on the Plan (the "Order Land") which is annexed to the Main Report (to which this Addendum Report is attached).
- 2.2 The Order Land comprises approximately 0.884 hectares.
- 2.3 In drawing the boundaries of the Order Land, Officers have balanced competing priorities: seeking to deliver the most efficient scheme with the maximum benefit to the local community; while attempting to minimise the interference with private property interests. Officers have considered site acquisition, land assembly and development costs, and the extent of third party interests required in defining an optimum boundary for the Order Land.
- 2.4 The land use within the Order Land comprise a mix of retail, commercial and residential uses.

### **3. BACKGROUND**

- 3.1 The Council's Core Strategy identifies a need to provide 4,964 dwellings in the Council's administrative area, by 2027. Woking Town Centre has been identified as the primary focus for this development. The Core Strategy states that a separate Site Allocations DPD will be prepared, to allocate specific sites for development.
- 3.2 The Council is in the process of preparing the Site Allocations DPD. This has been submitted to the Planning Inspectorate, and is the subject of an Examination. The Hearing part of the Examination was completed in December 2019, and the Council is about to publish the main modifications for public consultation. The Inspector's Report, and his proposed modifications, are likely to be received towards the end of this year.
- 3.3 The Site Allocations DPD identifies (and allocates for development) various sites in Woking Town Centre which (from a site capacity perspective) can deliver a total of 1,251 residential units. Highway modelling has confirmed that if this number is exceeded, the existing highway network becomes unsustainable. This number is insufficient to meet local need and demand.
- 3.4 The barrier to the development of new housing in Woking Town Centre is the Victoria Arch Bridge, the A320 which runs under the bridge and adjacent highways in the vicinity. The restrictions imposed by the bridge and the historic road layout around it, act as a pinch point for traffic; which leads to significant congestion in Woking Town Centre. This has restricted local housing development in the Town Centre for many years.
- 3.5 The Council has calculated that the carrying out of enhancement works to the bridge and improvements to other highways in the vicinity, will unlock 13 development sites in Woking Town Centre, and enable the delivery of 4,555 new homes; of which 3,304 would be additional homes over and above that planned in the existing Core Strategy and Site Allocations DPD.

### **4. SUCCESSFUL HIF BID AND THE SCHEME**

- 4.1 The Council (acting in partnership with Surrey County Council) ("SCC") has made an application to the Ministry of Housing, Communities and Local Government ("MHCLG") for Housing Infrastructure ("HIF") grant funding, for the following works:
  - 4.1.1 the replacement of the Victoria Arch Bridge with a widened bridge, allowing for four lanes of traffic;
  - 4.1.2 highway improvements on the road network on Station Approach, Victoria Road, Guildford Road, Victoria Arch Bridge and Victoria Way, including the removal of the existing one-way gyratory system and the introduction of a two-way carriageway; and
  - 4.1.3 the acquisition of all property on the Triangle Site, and the demolition of buildings on the Triangle Site, to facilitate the widening of the highway  
  
(the "Scheme").
- 4.2 The carrying out of the Scheme will enhance traffic flow in and out of Woking Town Centre, and also provide enhanced pedestrian and cycle access.

- 4.3 On 1 July 2019 the MHCLG notified SCC and the Council that their application had been successful, and they had been awarded £95 million HIF Grant.

## 5. NATIONAL PLANNING POLICY

- 5.1 The National Planning Policy Framework (“NPPF”) sets out a presumption in favour of sustainable development and recognises three dimensions of this – economic, social and environmental. Local authorities are encouraged to maintain an up-to-date development plan, and the NPPF provides that planning applications in accordance with the development plan should be determined positively without delay. The most relevant policies of the NPPF to the Scheme are: achieving sustainable development; delivering a sufficient supply of homes; building a strong, competitive economy; promoting healthy and safe communities, promoting sustainable transport; making effective use of land; and achieving well-designed places.
- 5.2 The NPPF also provides that development plans should be prepared with the active involvement of local highways authorities, so that strategies and investments for supporting sustainable transport and development patterns are aligned; and asks local planning authorities to identify and protect, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.
- 5.3 Officers consider the Scheme compliant with the NPPF.

## 6. DEVELOPMENT PLAN

- 6.1 The existing development plan for the Council’s area is the Woking Core Strategy.
- 6.2 In addition, the Council have prepared a Site Allocations DPD.

### **Woking Core Strategy**

- 6.3 The Woking Core Strategy was adopted in October 2012, and covers the period up to 2027. For the purposes of this Report the key policies are:
- 6.4 Policy CS1 A Spatial Strategy for Woking Borough. This policy:
- 6.4.1 provides for the delivery of 4,964 net additional dwellings between 2010 and 2027;
- 6.4.2 provides that Woking Town Centre will be the primary focus of sustainable growth to maintain its status as an economic and transport hub; and
- 6.4.4 states that a Site Allocations DPD will be prepared to allocate specific deliverable sites for such proposed development.
- 6.5 Policy CS2 Woking Town Centre. This policy:
- 6.5.1 provides that the Town Centre is the preferred location for town centre uses and high density residential development;
- 6.5.2 provides for an indicative housing provision of 2,180 units within the Town Centre over the life of the Core Strategy; and
- 6.5.3 again states that a Site Allocations DPD will identify specific sites to deliver the proposals.

- 6.6 Policy CS10 Housing provision and distribution. This policy:
- 6.6.1 repeats the overall figure of 4,964 net additional dwellings in the Borough between 2010 and 2027; and
  - 6.6.2 repeats the indicative housing provision of 2,180 units within the Town Centre.
- 6.7 CS16 Infrastructure delivery. This policy:
- 6.7.1 contains a series of statements to the effect that the Council will work in partnership with infrastructure service providers and developers to ensure that the infrastructure needed to support development is provided; and
  - 6.7.2 states that the Council will safeguard land for future infrastructure provision through the Site Allocations DPD, if necessary.
- 6.8 CS18 Transport and accessibility. This policy:
- 6.8.1 states that the Proposals Map and the Site Allocations DPD will safeguard land to deliver schemes that are adopted by the County Council to support the Core strategy. The Proposals (Woking Town Centre Inset) Map shows the Triangle Site and its immediate environs as a 'Major Highways Improvement Scheme – CS18.
- 6.9 Paragraph 5.173 of the Core Strategy provides that the Council has appointed consultants to undertake a procurement exercise to seek improvements to the Victoria Arch to facilitate enhanced movement into and through Woking Town Centre on the A320.

### **Site Allocations Development Plan Document**

- 6.10 The Council has prepared a Site Allocations DPD which identifies land, and allocates specific sites to enable the delivery of Woking Core Strategy. The Site Allocations DPD takes a long term strategic view of the future, and safeguards land to meet future development needs beyond the present Core Strategy period.
- 6.11 A draft Site Allocations DPD was submitted to the Planning Inspectorate on 31 July 2019. It is the subject of an Examination, and the Hearing part of the Examination completed in December 2019. The Inspector's Report and his proposed modifications is yet to be submitted to the Council.
- 6.12 Table 2, Section A of the Site Allocations DPD lists sites allocated for development within Woking Town Centre. Specifically it:
- 6.12.1 identifies Proposal Site Reference UA7 as land which includes the Victoria Arch and allocates it for 'Essential infrastructure (transport)' and
  - 6.12.2 Table 2, Section A allocates nine Woking Town Centre sites for housing development, which formed part of the HIF bid.

## **7. PLANNING PERMISSION**

- 7.1 Class A of Part 9 to the Town and Country Planning (General Permitted Development) (England) Order 2015 grants deemed planning permission for:

*"the carrying out by a highway authority*

- (a) *on land within the boundaries of a road, of any works required for the maintenance or improvement of the road; and*
- (b) *on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway.*

7.2 The Council (and SCC as highway authority) are relying upon the grant of this deemed planning permission for the carrying out of the works comprised in the Scheme.

## **8. VOLUNTARY LAND ACQUISITIONS**

8.1 The Council has made considerable efforts to voluntarily purchase, and relocate, owners and tenants on the Triangle Site. Approximately 80% of the freehold interests within the Triangle Site have been acquired. Terms have been agreed with a further 7% of owners and, in respect of the remaining 13% negotiations are continuing.

8.2 The Council continue to make offers to voluntarily purchase the additional areas of Order Land required, lying outside the Triangle Site.

## **9. COMPULSORY PURCHASE POWER**

9.1 The purpose of the Order is to enable the Council to acquire the Order Land, to implement the Scheme. The Order seeks to acquire all estates and interests in the Order Land; including all rights and easements in the Order Land. In considering making the Order, the Council has had regard to the Secretary of State's Guidance.

9.2 The following compulsory purchase powers are available to the Council.

### The Highways Act 1980

9.3 Section 239 of the Highways Act 1980, and subsequent provisions, confer upon the Council the power to compulsorily purchase land for the construction or improvement of a highway. This power is available to be exercised where the highway network does not function as it should; there is a need to enable the network to function properly; and there is a compelling case in the public interest to make improvements to the highway network.

9.4 In this case, it is clear to Officers that for the reasons already outlined, the road network through, and in the vicinity of the Victoria Arch Bridge, has not functioned properly for many years, and significant improvements to this part of the road network are required.

9.5 For these reasons, there is a compelling case in the public interest to make an Order under these powers.

### Town and Country Planning Act 1990

9.6 Section 226(1)(a) of the Town and Country Planning Act 1990 provides that a local authority is authorised to acquire compulsorily any land within its area, if it considers that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land.

9.7 In order to exercise the power under section 226(1)(a) the Council must be satisfied that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objectives: the promotion or improvement of the economic well-being of its area, the social well-being of its area; and the environmental well-being of its area.

- 9.8 Officers are satisfied that these objectives would be met: In particular, the Scheme:
- 9.8.1 would make significant improvements to the road network through the carrying out of road widening, bringing improvements to all road users including cyclists and public transport users;
  - 9.8.2 by facilitating the release of a significant number of housing sites within Woking Town Centre (which are allocated for development in the Council's Site Allocations DPD) this would enable the Council to meet the policies, requirements and targets of its Core Strategy and the Site Allocations DPD in relation to new housing provision; and
  - 9.8.3 would transform the physical environment and public realm around the Victoria Arch Bridge and the adjoining highway network; and act as a catalyst for further investment and economic growth in Woking Town Centre, unlocking the potential for further redevelopment and regeneration of the area.
- 9.9 For all of these reasons, there is also a compelling case in the public interest, to make an Order under these powers.

#### Alternative schemes

- 9.10 Officers have considered whether the purpose for which the Council is proposing to acquire the Order Land could be achieved by any other means.
- 9.11 The extent of the Order Land has been influenced by a number of factors, including its location, surrounding land uses and environmental impacts, as well as the Council's overall objectives for the improvement of the road network in this location.
- 9.12 Officers have considered whether individual highway improvements could be brought forward in isolation, on a piecemeal basis, which would achieve the same objective; but are satisfied that this would not achieve a comprehensive solution to the existing highway deficiencies, which the Scheme and the Order seeks to address.
- 9.13 Officers have concluded that there is no credible alternative proposal which could deliver the comprehensive Scheme proposed in accordance with Council policy, and meet the Council's planning policy objectives, within a reasonable timeframe.

## **10. FINANCIAL INFORMATION**

- 10.1 In considering whether to confirm a compulsory purchase order the Secretary will wish to be satisfied that there is sufficient available funding to carry out the Scheme.
- 10.2 The total cost of the Scheme is estimated to be £115 million. This is made up of three elements:
- 10.2.1 The cost of the acquisition/demolition of the Triangle Site (£32.5 million);
  - 10.2.2 The cost of the A320 highway widening and improvements (£17.5 million); and
  - 10.2.3 The cost of the replacement of Victoria Arch Bridge (£65 million).
- 10.3 The difference between the £115 million project cost and the £95 million HIF grant is comprised of a £10 million contribution from the Council through a PWLB loan to advance fund infrastructure, and £10 million reduction in cost from Network Rail Infrastructure Limited ("Network Rail") by contribution or value engineering.

## **11. DELIVERY OF THE SCHEME**

- 11.1 The Council is working jointly with SCC and Network Rail to deliver the Scheme.
- 11.2 SCC as the local highway authority, will be undertaking the highway works in conjunction with the Council.
- 11.3 Network Rail will be undertaking the Victoria Arch Bridge works, and installing the new Victoria Arch Bridge.

## **12. EQUALITIES IMPACT ASSESSMENT**

- 12.1 The Council is required to comply with its Public Sector Equality Duty (as set out in Section 149 of the Equality Act 2010). In order to discharge its duty, the Council has commissioned an Equalities Impact Assessment to assess the potential impacts of the Scheme on groups with protected characteristics, and this matter is fully dealt with in the main Report.

## **13. HUMAN RIGHTS**

- 13.1 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights. The parts of the Convention rights which should be considered in the course of the making of the Order and leading up to the confirmation of the Order are Articles 1 of the First Protocol and Articles 6 and 8 of the Convention. The considerations which arise under these provisions are again fully dealt with in the main Report.

## **14. CONCLUSION**

- 14.1 The Order will authorise the Council to acquire the Order Land compulsorily, subject to the Council following the usual procedures for compulsory acquisition e.g. the giving of notices, allowing a period for objections and affording objectors an opportunity to make their objections at a public local inquiry. To justify interference with the rights referred to above, the Council must consider that there is a compelling case in the public interest, such that if the Order Land is acquired, the public benefit will outweigh the private loss arising from that acquisition. Further, interference with Convention rights must be proportionate and justified in the public interest.
- 14.2 In preparing their Report, Officers have carefully considered the balance to be struck between individual rights and the wider public interest and consider that, to the extent that the Order would affect those individual rights, the proposed interference with them would be in accordance with the law, necessary in the public interest and proportionate. Appropriate compensation will be made available to those entitled to claim it, under the relevant provisions of the statutory Compensation Code.