

WESTMORLAND AND FURNESS COUNCIL

Cabinet

Report Title	A595 Grizebeck Improvement Scheme – Implementation of Compulsory Purchase Order and Side Roads Order
Date of Meeting	12 September 2023
Report Author	Philip Greenup, Assistant Director Sustainable Transport and Highways
Director	Angela Jones, Director of Thriving Places and Pam Duke, Director of Resources
Lead Cabinet Member	Peter Thornton, Cabinet Member for Highways and Assets
Why is this a key decision?	<ol style="list-style-type: none"> 1. Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates. For these purposes, savings and expenditure are "significant" if they are equal to or greater than £500,000 and/or – YES 2. Is likely to be significant in terms of its effects on communities living or working in an area comprising one or more wards in the area of the Council – YES
Wards Affected	High Furness
Identify exempt information and exemption category	Public
Reasons for urgency (only where applicable)	N/A
Appendices (if any)	<p>Appendix 1 A595 Grizebeck Improvement Scheme CPO Order and Maps</p> <p>Appendix 2 A595 Grizebeck Improvement Scheme SRO Order and Plans</p> <p>Appendix 3 A595 Grizebeck Improvement Scheme Statement of Reasons</p> <p>Appendix 4 Equalities Impact Assessment (EqIA) dated October 2022</p> <p>Appendix 5 Cumbria County Council Leader Decision Record signed 14 October 2022</p> <p>Appendix 6 CPO decision letter</p> <p>Appendix 7 SRO decision letter</p>

1. Executive Summary

- 1.1 Following the decision of the Leader of Cumbria County Council dated 14 October 2022, a Compulsory Purchase Order (CPO) and a Side Roads Order (SRO) were made by the Council on 27 October 2022 and were subsequently confirmed by the Secretary of State on 12 June 2023 (attached at Appendix 6 and Appendix 7). Notice of the confirmation of the SRO was published by the

Secretary of State on 29 June 2023; and notice of the confirmation of the CPO was published by the Council on the same date. The confirmed SRO and the confirmed CPO authorise, respectively, highway works (SRO) and the acquisition of land (CPO) required to facilitate the construction of the A595 Grizebeck Improvement Scheme, which is needed to support economic growth by facilitating the movement of goods and people between West and South Cumbria and by providing strategic improvement to the major road network, whilst also addressing local transport issues arising from the impact of the A595 in Grizebeck.

- 1.2 This report recommends delegation of power to implement the SRO and the CPO to the Director of Resources and the Director of Thriving Places.

2. Recommendations

For the reasons set out in this report, Cabinet is recommended to:

- 2.1 It is recommended that Cabinet agrees to (subject to approval of the Full Business Case and receipt of funding):
- a) Authorise the Director of Resources (or in her absence the Assistant Director of Corporate Assets, Fleet and Capital Programme), to take all appropriate actions, within the approved budget, necessary for the purpose of acquiring land, and acquiring (or extinguishing) rights over land, by agreement (as an alternative, where possible, to the compulsory acquisition of land pursuant to the CPO; and including negotiating the terms and conditions of, and entering into and completing, any licences, agreements and undertakings, as necessary to complete such acquisitions) to allow the construction, operation and maintenance of the A595 Grizebeck Improvement Scheme.
 - b) Authorise the implementation of the confirmed Cumbria County Council (A595 Grizebeck Improvement Scheme) Compulsory Purchase Order 2022, for the compulsory purchase of land and rights required for the A595 Grizebeck Improvement Scheme within the area shown on the Order Map (attached at Appendix 1).
 - c) Authorise the implementation of the confirmed Cumbria County Council (A595 (Grizebeck Improvement Scheme) Classified Road) (Side Roads and Other Works) Order 2022 to improve or stop up existing highways, to construct new highways and to stop up and provide replacement private means of access as required to deliver the Grizebeck Improvement Scheme.
 - d) Authorise the Director of Thriving Places (or in her absence the Assistant Director of Sustainable Transport and Highways) to take all necessary action within the approved budget to secure the implementation of the A595 Grizebeck Improvement Scheme CPO and SRO, including the publication and service of all requisite notices on relevant parties and the negotiation and completion of any necessary licences, agreements and undertakings.
 - e) Authorise the Chief Legal and Monitoring Officer to take all necessary action to implement the A595 Grizebeck Improvement Scheme CPO and SRO and to acquire all land, interests in land and/or new rights over the CPO land and/or

possession of the CPO land as necessary, including the service of Notices to Treat and Notices of Entry, or as the case may be, the execution of General Vesting Declarations.

- f) Authorise, in the event that any question of compensation is referred to the Upper Tribunal (Lands Chamber) the Director of Thriving Places (or in her absence the Chief Executive), in consultation with the Chief Legal Officer, to take all necessary steps in connection with the conduct and, if appropriate, settlement of such proceedings.
- g) Authorise the Director of Resources (or in her absence the Assistant Director of Corporate Assets, Fleet and Capital Programme) to take all necessary steps to enable the negotiation and approval of the payment of relevant and reasonable professional fees incurred by landowners and others with compensatable interests in taking professional advice in connection with the acquisition of their interests required for the A595 Grizebeck Improvement Scheme and related compensation claims and also in advancing the development or implementation of the A595 Grizebeck Improvement Scheme.

3. Information: the Rationale & Evidence for the Recommendations

- 3.1 The CPO and SRO for the A595 Grizebeck Improvement Scheme were made and sealed on 27 October 2022 by Cumbria County Council and, following the publication, on 3 November 2022 of notice of the making of the CPO and SRO in accordance with the legislation, there was a 6-week objection period. No objections were received (and accordingly, there was no need for a public local inquiry to be held). The Secretary of State for Transport confirmed the Cumbria County Council (A595 Grizebeck Improvement) Compulsory Purchase Order 2022 and the Cumbria County Council (A595 (Grizebeck Improvement Scheme) Classified Road) (Side Roads and Other Works) Order 2022 (without modifications) on 12 June 2023.
- 3.2 This report seeks to delegate the implementation of the SRO and CPO to the Director of Resources and the Director of Thriving Places.
- 3.3 Full details as to the background and wider scheme can be found within the Cumbria County Council Leader Decision Record dated 14 October 2022 attached at Appendix 5.

4. Link to Council Plan Priorities: (People, Climate, Communities, Economy and Culture, Customers, Workforce)

- 4.1 Delivery of the A595 Grizebeck Improvement Scheme will have an important role in supporting the delivery of the Council Plan outcomes:
 - For the economy and culture – sustainable, inclusive economic growth is essential to deliver high quality jobs. The A595 Grizebeck Improvement Scheme will improve north south connectivity thereby facilitating economic growth and thriving communities and businesses.
 - For people – our aim is ensuring that people are healthy, happy, active and able to lead fulfilling independent lives. The A595 Grizebeck

Improvement Scheme will promote healthy travel choices including walking and cycling provision from the south in Chapels to the north in Grizebeck village centre with links into existing cycling and walking networks.

5. Consultation Outcomes

- 5.1 The affected landowners have been consulted throughout and informed of the CPO process through advertisements delivered and notices received. No objections have been received.
- 5.2 Appropriate engagement will be carried out with landowners, residents and locality boards in due course.
- 5.3 The Council intends to acquire land by agreement where possible and to use its powers of compulsory acquisition (authorised by the confirmed CPO) only where acquisition by agreement is not possible within the timeframes necessary for the delivery of the scheme.
- 5.4 The confirmed SRO authorises the side road works which are necessary to facilitate the delivery of the new A595 (classified road), planning permission for which was granted in October 2022 by both Cumbria County Council (as was) and the Lake District National Park Authority.

6. Alternative Options Considered

- 6.1 In considering whether to approve the recommendations in this report, Cabinet needs consider the following options.
- 6.2 **Option (a) – Agree Recommendations**
- 6.3 Cabinet agrees to the recommendations at 2.1 above, to be able to proceed with the A595 Grizebeck Improvement Scheme and assemble all the land and carry out the works necessary for the construction and delivery of the scheme by February 2024. **This is the recommended option.**
- 6.4 **Option (b) – Do Nothing**
- 6.5 If Cabinet decides not to approve the recommendations, the process of securing and implementing statutory orders will fail as the decision to delegate power to implement the SRO and CPO is a necessary step to progress the A595 Grizebeck Improvement Scheme. If the scheme cannot go ahead, the Council will be in default of the Cumbria Local Enterprise Partnership (CLEP) grant funding agreement and additionally put at risk the Department for Transport (DfT) grant funding. If the Council does not agree to this next step to be able to implement the SRO and CPO, it could be considered as a breach under the terms of the grant funding agreement, triggering claw-back of the grant payments received to date and preventing the scheme and the associated benefits from being realised.

7. Financial Implications and risk

7.1 The recommendation of this report is to seek Cabinet approval to acquire by agreement the land and new rights over land which are needed to allow the construction operation and maintenance of the A595 Grizebeck Improvement Scheme, as well as implementing the A595 Grizebeck Improvement Scheme CPO and SRO. The cost of the land and new rights purchased and any potential public inquiry which may be held if there are objections to the Orders would be funded from the overall project budget of £23.292m.

7.2 Funding to support the budget is as follows:-

	£m
CLEP	2.244
CCC approved	1.518
Allocated funding	3.762
DfT (subject tto FBC)	12.718
CCC (agreed to be vired)	2.603
CCC	4.209
Total	23.292

7.3 The resources required to support the land acquisition and Statutory Orders Process will be through existing, Planning, Capital, Legal and Finance teams, with external legal and project support funded from the current budget of £3.762m

7.4 Should Cabinet not approve the recommendations the Council could be in breach of the CLEP funding agreement which could result in the clawback of grant payments that were made to Cumbria County Council. These need to be met from existing Council Resources.

8. Legal and Governance Implications

8.1 Approval of the recommendations is an executive function and is properly a function for this Cabinet. The Cabinet can delegate functions to officers as provided for in this report.

8.2 The recommended decision has been advertised on the Forward Plan as it is a key decision. Therefore, it is appropriate for Cabinet to consider this report and agree to the recommendations.

Any other legal considerations are detailed above and within the Leader Decision Record (attached at Appendix 5).

9. Human Resources Implications

9.1 No direct concerns but to consider and ensure appropriate resource to ensure delivery of this process.

10. Equality and Diversity Implications (including the public sector equality duty, Armed Forces Families, Care Leavers and Health inequalities implications)

10.1 The Public Sector Equality Duty (PSED) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.

10.2 During the development of the A595 Grizebeck Improvement Scheme and the preparation of the CPO and SRO, the Council has had regard to the PSED and, having regard to its statutory duties under the Equality Act 2010, has carried out an Equalities Impact Assessment (EqIA) dated October 2022. A copy of the EqIA is provided at Appendix 4 to this report.

10.3 The impact of the A595 Grizebeck Improvement Scheme will continue to be monitored and reviewed to ensure that any impact can be considered and mitigated as necessary.

11. Background Documents

11.1 A595 Grizebeck Improvements CLEP Growth Deal Funding Award of £2.244m dated 11 November 2020.

11.2 A595 Grizebeck Improvement – Programme Entry: DfT Major Road Network Schemes Programme Funding Award of £12.718m (dependent on subsequent Full Business Case approval) dated 27 October 2020.

11.3 £2.244m CLEP Growth Deal Funding added into the Capital Programme for 2020/21 to 2022/23 – [Cumbria County Council Cabinet](#) dated 4 February 2021.

11.4 Cumbria County Council Leader Decision Record dated 14 October 2022 (Appendix 5).

11.5 Equality Impact Assessment dated October 2022 (Appendix 4).