



SHEFFIELD CITY COUNCIL Cabinet Report

9

Report of: Simon Green, Executive Director Place

Date: 11th July 2012

Subject: Bus Rapid Transit Northern Route: Land Acquisition and Compulsory Purchase Order.

Author of Report: David Budd, (0114) 2735031

Summary: In order to deliver the BRT Northern Route to the programme agreed with central government, the required land must be acquired and all rights negotiated in the calendar years 2012/13. In total 15 plots of land need to be acquired. The intention is to acquire by negotiation, however a Compulsory Purchase Order is being developed in parallel to give certainty of scheme delivery. The land required will be purchased at market value and its acquisition will represent an increase in the Council's asset portfolio.

Reasons for Recommendations

Acquisition of the land, and the making of powers to compulsorily purchase any plots that cannot be negotiated by agreement, are necessary to deliver the BRT North scheme which will contribute to the objectives of 'Standing up for Sheffield' and the Sheffield City Region Transport Strategy.

Recommendations:

The recommendations in summary are for authority to be given for the making and advertisement of a CPO for the BRT North scheme, in parallel with the acquisition of all necessary land and rights by agreement.

Background Papers:

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
YES Cleared by: Paul Schofield
Legal Implications
YES Cleared by: Julian Ward
Equality of Opportunity Implications
YES Cleared by: Ian Oldershaw
Tackling Health Inequalities Implications
NO
Human rights Implications
NO
Environmental and Sustainability implications
YES
Economic impact
YES
Community safety implications
NO
Human resources implications
NO
Property implications
YES
Area(s) affected
Darnall Ward
Relevant Cabinet Portfolio Leader
Cllr Leigh Bramall – Cabinet Member: Business, Skills and Development
Relevant Scrutiny Committee if decision called in
Economic and Environmental Wellbeing
Is the item a matter which is reserved for approval by the City Council?
YES
Press release
YES

REPORT OF THE DIRECTOR OF
DEVELOPMENT SERVICES

REPORT TO CABINET
11TH July 2012

BUS RAPID TRANSIT NORTHERN ROUTE –
LAND ACQUISITION AND COMPULSORY PURCHASE ORDER

1.0 SUMMARY

- 1.1 The Bus Rapid Transit Northern Route (BRT North) is a proposed new fast, efficient and sustainable public transport link improving connections between the centres of Rotherham and Sheffield, providing direct access to the Lower Don Valley which is the development spine of the Sheffield City Region. BRT North includes the Tinsley Link Road, and is regarded as vital economic enabling infrastructure. As such it has a key role to play in achieving the Council's corporate objective of developing a strong and competitive economy.
- 1.2 Having been accepted by the Department for Transport as part of their national Major Schemes Programme, BRT North must now obtain the remaining statutory approvals necessary, which will enable Government funding to be drawn down and ultimately for the scheme to be delivered. Having obtained the necessary planning approvals, acquisition of the land needed to construct the scheme is the next stage in the current programme for BRT North.
- 1.3 The intention is to acquire by agreement all affected land and rights necessary to deliver the scheme, however in order to strengthen the case for deliverability, it is intended to run these negotiations in parallel with a Compulsory Purchase Order.
- 1.4 This report describes the case for obtaining the necessary authority to make, publish and submit to the Secretary of State for Transport for confirmation, the Compulsory Purchase Order required to implement the Bus Rapid Transit Northern Route, including the Tinsley Link.
- 1.5 The report also seeks authority to acquire by agreement, affected land and rights in parallel with the Compulsory Purchase Order and, subject to confirmation of the Order, compulsorily acquire the outstanding land interests included in the Order.
- 1.6 The proposed land acquisition has financial implications and this report seeks to advise Cabinet on this and more broadly on the continued development of Bus Rapid Transit North and the current funding plan.

2.0 WHAT DOES THIS MEAN FOR THE PEOPLE OF SHEFFIELD

- 2.1 The BRT North scheme will provide a fast, reliable, sustainable means of public transport which is accessible to everyone, be they residents, or visitors to Sheffield. It will provide high-quality access to key employment locations and development sites in both Rotherham and Sheffield Centres, as well as the Lower Don Valley, which forms part of the Sheffield City Region Local Enterprise Zone.
- 2.2 The scheme will provide additional capacity in both the public transport and local highway networks thus enabling the delivery of key employment-generating developments within the City. This private sector-led growth will strengthen the economy and generate jobs, including the opportunity for those of a highly skilled nature through advanced manufacturing and supply chain companies.
- 2.3 The BRT North scheme will provide a competitive public transport option, which twinned with the provision of additional highway capacity through busy sections of the network, will reduce congestion and delays, improving conditions for inward investment and contributing to the provision of sustainable transport systems in the most sensitive areas.

3.0 OUTCOME AND SUSTAINABILITY

- 3.1 The key outcome of this report will be approval to proceed with the acquisition of land by negotiation and the advertisement and making of a compulsory purchase order in support of the BRT North scheme. Acquiring all necessary land is essential to the delivery of the scheme and will enable government funding to be drawn down as part of the national transport Major Schemes programme.
- 3.2 Ultimately the acquisition of land and the publication of a Compulsory Purchase Order will enable the delivery of the BRT North scheme. As an enabler of development proposals on key strategic employment sites, the BRT North scheme will contribute to the development of a *strong and competitive economy* through the introduction of *sustainable and safe transport* infrastructure. By providing high-quality access to enhanced employment opportunities, and a congestion-alleviating sustainable transport option, this scheme will help create the conditions for *a great place to live*. All of which represent key objectives of the City Council's Corporate Plan: Standing up for Sheffield.

REPORT

4.0 BACKGROUND

- 4.1 BRT North connects the centres of Rotherham and Sheffield with each other and to existing and proposed development sites in the Lower Don

Valley, including sites linked to the Sheffield City Region Enterprise Zone which is being established to deliver significant growth in advanced manufacturing and engineering. It will provide access to jobs in the corridor and the urban centres whilst providing the capacity needed to allow the next phase of developments in the Lower Don Valley to be completed. It is estimated that developments which will provide in excess of 4000 jobs will be unlocked by the scheme. A plan showing the BRT Northern route within Sheffield is attached at Appendix A.

- 4.2 BRT North is a cross-boundary scheme and as such has been developed as a partnership between Sheffield City Council, Rotherham Metropolitan Borough Council and the South Yorkshire Passenger Transport Executive. This partnership is bound by a written agreement which sets out the roles and responsibilities of each member so as to best ensure the delivery of the project on programme and to budget.
- 4.3 Supporting economic growth is a key objective of the Sheffield City Region Transport Strategy 2011-2026. Furthermore the promotion of a strong and competitive economy is a priority area for Sheffield City Council's Corporate Plan 2011-14: Standing up for Sheffield. This priority sets out the need for economic growth, led by the private sector, the creation of more and better jobs, and the establishment of a highly skilled workforce. BRT North provides enabling infrastructure which will contribute to the realisation of these economic objectives.
- 4.4 This creates a very strong strategic fit for the delivery of BRT North which is fundamental to the growth aspirations of the joint economy of Rotherham and Sheffield, which is dependent on effective connectivity. The scheme is also heavily embedded in the objectives of the Sheffield Development Framework and is explicitly referenced in the policies of the Core Strategy relating to sustainable transport and employment creation in the Lower Don Valley.
- 4.5 Following Cabinet Approval on 10th March 2010, BRT North was submitted as a business case to the Department for Transport's Major Schemes fund, and in December 2011 was granted programme entry status which confirms a conditional offer of funding. The Government's current spending review period dictates that all funded schemes need to be complete by 2015, and all necessary statutory approvals have to be in place before full funding approval is granted in late 2013.

5.0 SCHEME OBJECTIVES, DESCRIPTION AND TIMESCALE

- 5.1 BRT North will provide a fast, efficient and sustainable public transport link by means of a series of infrastructure improvements and a limited stop rapid bus service with modern, high quality vehicles and passenger facilities. The main features of the scheme are as follows:

- A high quality express bus service, which is frequent, reliable with competitive journey times serving key developments and employment locations along the route.
- A new all-user highway link which will bypass J34 South of the M1, known as the Tinsley Link. Incorporating high levels of public transport priority, the Tinsley Link will provide the much needed highway capacity to allow proposed as well as future developments to be built in the area. This capacity will provide essential congestion relief at the busy motorway junction...
- Revised junction layouts and traffic signal control with the introduction of intelligent detection along the route to provide BRT vehicles with priority whilst minimising the impact on other road users.
- High quality, modern low-emission vehicles with the capacity to provide a high-volume rapid transit service.
- Purpose-built stops, providing a high quality waiting environment, coupled with real-time passenger information and smart ticketing.

5.2 There is very strong policy justification for the delivery of BRT North, including at the local, sub-regional and national level. This was evidenced in the Planning Statement which supported the Outline Planning application for the Tinsley Link (reference 10/03699/RG3), which was granted approval in May 2011. In addition the scheme is supported by the Sheffield City Region Local Enterprise Partnership who has previously supplied letters of support for BRT North. As presented in the Strategic Case to Government, the main objectives of the scheme are:

- Development and economic regeneration: to support existing developments and enable future economic growth in the Lower Don Valley and the urban centres.
- Connecting people to jobs: to improve the quality, capacity and reliability of public transport in the Rotherham to Sheffield corridor..
- Strategic connectivity: to address congestion and connectivity issues in this important manufacturing and development corridor.
- Environmental improvements: to contribute to improved local air quality and lower carbon emissions from transport,

5.3 At various stages in the development of the scheme public consultation has been carried out, most notably during the planning application process for the Tinsley Link. This consultation included presentations at the Tinsley and Darnall Forums (which support the East Community Assembly), articles in local newsletters, exhibitions in local community buildings, site notices, the production of a digi-brief, and a dedicated website.

5.4 Subject to successful acquisition of the necessary land and access rights by agreement, and full approval by the Department for Transport, the timescale for construction is to start on-site in January 2014 with practical completion by September 2015. This timescale is as per the

programme submitted to the Department for Transport. Should negotiations fail and the CPO be opposed then this would be likely to result in a delay to the programme of 8-12 months.

6.0 EXTENT OF COMPULSORY PURCHASE ORDER AREA

- 6.1 The areas shaded pink on the Map displayed at the meeting of Cabinet on the 11th July 2012 and marked 'Map referred to in The City of Sheffield (Attercliffe Common, Carbrook St, Dunlop St, Weedon St, Meadowhall Way, Sheffield Rd) (Bus Rapid Transit Northern Route) (Classified Road A6178, C747) Compulsory Purchase Order 2012', and in the Members' Library, indicate the extent of the acquisitions in the proposed Compulsory Purchase Order (CPO). At an early stage in the process all known land-owners and tenants were contacted to explain the scheme in detail and to provide the opportunity for any concerns to be discussed and if possible resolved. This enabled the establishment of a good working relationship with the majority of the affected parties.
- 6.2 The intention is to acquire by agreement the necessary land and access rights and to agree accommodation works to the satisfaction of the relevant parties. Informal, early discussions have informed this process and negotiations are either now under-way or are set to commence depending on the land in question. In a number of instances much of the land shaded pink will remain in its current use following completion of the scheme, but is included in the Order so that access can be secured to undertake essential elements of the works.
- 6.3 Referring to the CPO Map (included as appendix B), plots 1 and 3 form part of forecourts and frontage landscaping of premises fronting Attercliffe Common. Following the highway improvements to these plots, the land not required for highway purposes will revert to the occupants to use in pursuance of their businesses, and any necessary reinstatement of landscaping or surfacing carried out.
- 6.4 Plots 5 and 6 form part of the Howco Group's premises on Dunlop Street. Both plots are required to enable improvements to the manoeuvring of both the Bus Rapid Transit Vehicles and the heavy goods vehicles which access the Howco site. The land not required for highway purposes will revert to the occupant to use in pursuance of their business, and access to the premises during construction will be maintained at all times to ensure normal working operations can take place.
- 6.5 Plots 7-15 are required for the construction of the Tinsley Link. The horizontal alignment of the Tinsley Link is constrained by a number of existing physical features as well as highway design standards. These include the supporting piers of the Tinsley Motorway viaduct, the Supertram system, the heavy rail line, the River Don, an electricity substation, and existing development sites in the area which already

have planning consent. As a consequence the alignment is fixed as there is no feasible alternative which would enable the scheme to be delivered. Plots 7-13 (including 14c) include land to enable permanent access to the structural elements of the Tinsley Link for essential maintenance and access.

- 6.6 Further information on the justification for the land required for the BRT North Scheme will be provided in the draft Statement of Reasons which will be submitted to the Secretary of State in support of the proposed CPO.

7.0 LEGAL IMPLICATIONS

- 7.1 The Director of Legal Services has been consulted and has advised that the Council can pursue the acquisition of any land not acquired by negotiation by promoting a Compulsory Purchase Order, using the powers contained within the Highways Act 1980 and all other powers enabling it in that behalf.

8.0 FINANCIAL IMPLICATIONS

- 8.1 The estimated cost for the scheme is £34,348,000. The portion of the costs allocated for land acquisition is currently £2,230,000. This figure takes into account compensation for land take, disturbance, loss payments and fees. It also includes a risk allowance based on a Quantified Risk Analysis that took into account additional costs that may arise during the process. The costs of any identified accommodation works are picked up separately within the cost plan and feature as part of the civil works estimates. In order to achieve the current programme, and to meet the timescales for the Department for Transport's full approval stage, the majority of this expenditure is to be incurred in 2012/13 and 2013/14.
- 8.2 This expenditure would pre-date the release of Central Government funding and would need to be financed by a recently successful bid for £3,000,000 to the Local Enterprise Partnership's Growing Places fund. This money is a loan which will be repaid on receipt of developer contributions anticipated when the economy recovers. Some of the agreements are in place but not collectable until the development commences. In the event that the contributions were not realised, the Council would have to step in with its own funds. There is no provision in the current Capital Programme so some re-prioritisation of funding would be required. The current funding plan for BRT North assumes £3,000,000 of private developer contributions, to which the Council would be exposed were the anticipated developer contributions not realised.
- 8.3 The funding plan for the overall scheme is made up as follows: £19.4m

from the Department for Transport's Major schemes fund; £2m local authority contribution (to be supplied by the project partners from the Local Transport Plan allocation); £3m of Section 106 developer contributions; and a £10m ERDF grant which is as yet unapproved.

- 8.4 The legal costs associated with the production and advertisement of the Orders will be met by the scheme. In accordance with Financial Regulations a capital approval form has been submitted to Cabinet for approval of all 2012/13 council expenditure on this scheme.

9.0 EQUAL OPPORTUNITY IMPLICATIONS

- 9.1 Fundamentally the BRT North scheme will be of universal benefit to all users regardless of age, race, faith, sex, disability, sexuality, etc. However, it will be of particular benefit to certain groups including the young, elderly, disabled and their carers. It will also benefit families with young children and certain communities within Sheffield including BME communities. The design of the BRT Northern route has taken into consideration the needs of users with reduced mobility, including people with visual impairments, and incorporated measures such as tactile paving where appropriate.

- 9.2 The route enhances sustainable transport connections to local centres in the Lower Don Valley, specifically Attercliffe and Tinsley, which have strong BME communities and also feature prominently in the City's index of multiple deprivation. The BRT North service will improve access to employment opportunities and vital services, especially for those without access to a car. The BRT North services which will operate along the route will be modern low-floor vehicles which provide the highest level of access for disabled users, including on-board audio information for passengers with visual impairments and learning disabilities.

10.0 ENVIRONMENTAL IMPLICATIONS

- 10.1 Environmental implications arise from the scheme and these have been addressed as part of the scheme planning and design process. A detailed Environmental Statement was prepared for the Tinsley Link planning application which considered issues such as air quality, ecology, noise and vibration. Those measures identified which would mitigate the impact of the scheme have been conditioned as part of the planning application approval.

11.0 COMMUNITY SAFETY IMPLICATIONS

- 11.1 Community Safety implications arise from the scheme and these have been addressed as part of the scheme planning and design process, for example improved street lighting.

12.0 HUMAN RIGHTS IMPLICATIONS

- 12.1 The rights of any affected parties under the Human Rights Act 1998, particularly Article 1 of the First Protocol, have been taken into account. Having regard to the public interest and the improvements the scheme will bring to the transport network, the proposed alterations to the highway network and to private means of access do not constitute an unlawful interference with any of these rights, nor do the acquisitions constitute an unlawful interference with any of these rights.

13.0 REASONS FOR RECOMMENDATIONS

- 13.1 Acquisition of the land, and the making of powers to compulsorily purchase any plots that cannot be negotiated by agreement, are necessary to deliver the BRT North scheme which will contribute to the objectives of 'Standing up for Sheffield' and the Sheffield City Region Transport Strategy.

14.0 RECOMMENDATIONS

- 14.1 Authority be given for the City Council to make a Compulsory Purchase Order under the powers conferred by the Highways Act 1980 to acquire the land coloured pink on the Map displayed at the meeting of Cabinet on 11th July 2012 and marked 'Map referred to in The City of Sheffield (Attercliffe Common, Carbrook St, Dunlop St, Weedon St, Meadowhall Way, Sheffield Rd) (Bus Rapid Transit Northern Route) (Classified Road A6178, C747) Compulsory Purchase Order 2012'.

- 14.2 Authority be given for the Director of Legal Services to authorise the making of the CPO, to take all necessary procedural steps prior to and after the making of the CPO, to enable the CPO to be submitted to the Secretary of State for Transport for confirmation including : -

- (a) finalising the draft statement of reasons;
- (b) finalising the Schedule of Interests
- (c) serving notices of the making of the CPO on all persons entitled to such notice and placing necessary press notices;

and to submit the CPO to the Secretary of State for confirmation.

- 14.3 Authority be given for the Director of Finance and the Director of Property and Facilities Management Services, in conjunction with the Director of Legal Services to acquire and/or secure affected land and rights by agreement up to the value of £750,000 for individual interests in parallel with the Compulsory Purchase Order, so that we can practically implement the scheme.

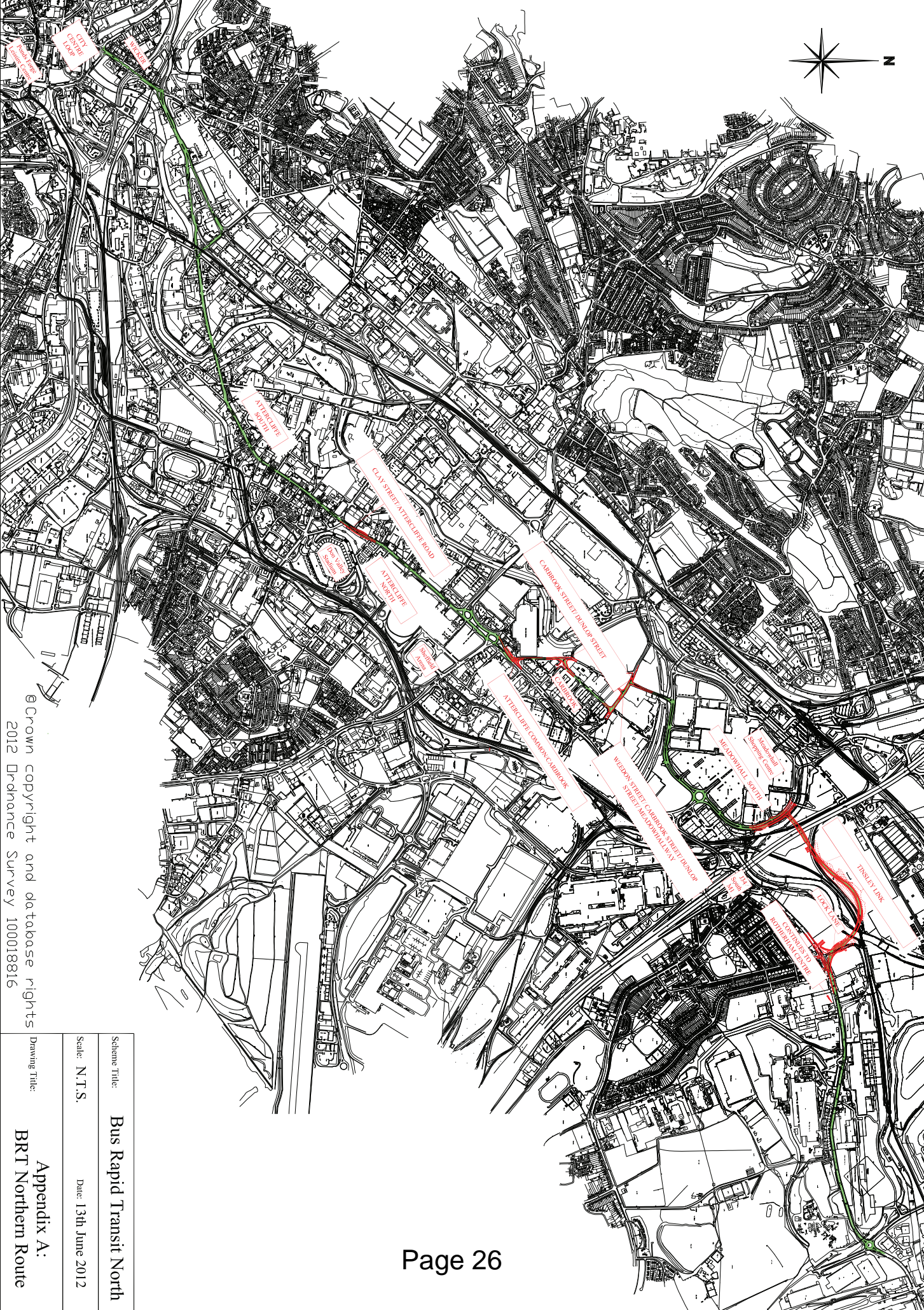
- 14.3 That the Director of Legal Services be authorised to sign and serve any Notices and documents and together with the Executive Director of

Place be authorised to take all other necessary action to give effect to these recommendations.

- 14.4 As soon as the Order is confirmed by the Secretary of State for Transport to advertise the confirmation of the CPO and serve all necessary notices of confirmation and once the CPO becomes operative, the **Director of Legal Services** be authorised to serve Notices to Treat under Section 5 of the Compulsory Purchase Act 1965, and where necessary, to serve Notices of Entry under Section 11 of the same Act in respect of the land included in the Order, or to execute general vesting declarations under the Compulsory Purchase (Vesting Declarations) Act 1981.

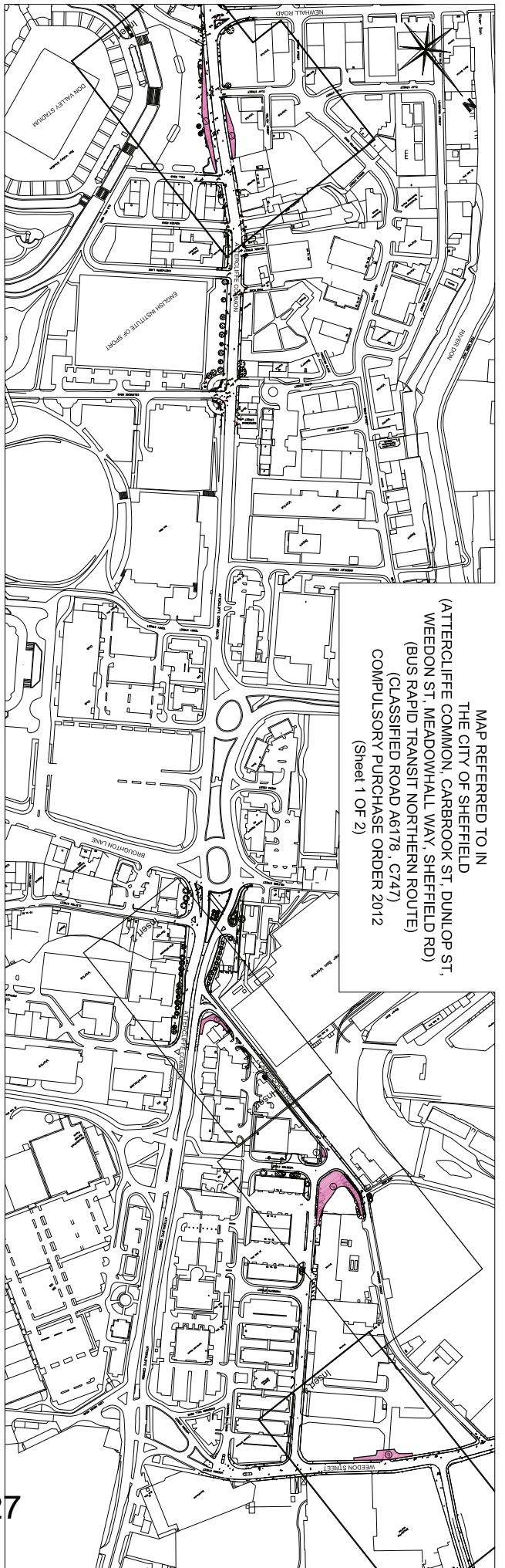
Simon Green
Executive Director of Place

11 July 2012



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 2012 Ordnance Survey 100018816

Scheme Title:	Bus Rapid Transit North
Scale:	N.T.S.
Date:	13th June 2012
Drawing Title:	Appendix A: BRT Northern Route

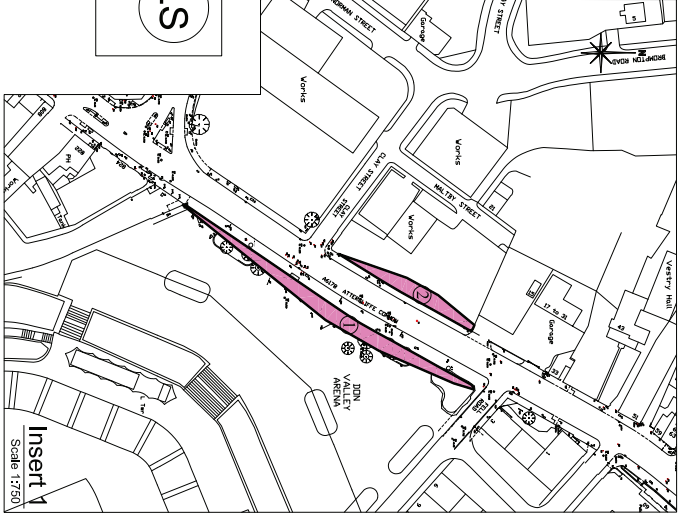


MAP REFERRED TO IN
 THE CITY OF SHEFFIELD
 (ATTERCLIFFE COMMON, CARBROOK ST., DUNLOP ST.,
 WEEDON ST., MEADOWHALL WAY, SHEFFIELD RD.)
 (BUS RAPID TRANSIT NORTHERN ROUTE)
 (CLASSIFIED ROAD A6178, C747)
 COMPULSORY PURCHASE ORDER 2012
 (Sheet 1 OF 2)

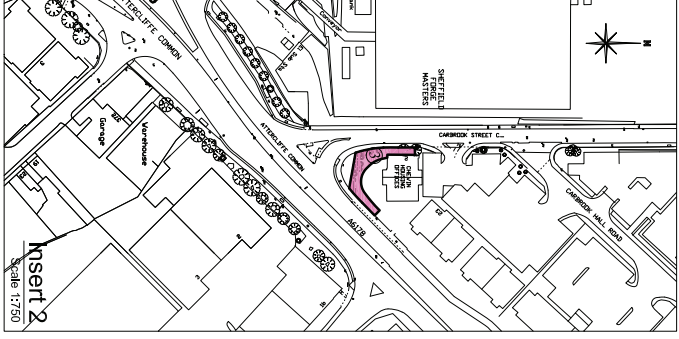
LOCATION PLAN Not To Scale

EXECUTED as a Deed by The
 Sheffield City Council whose
 Common Seal was hereunto
 affixed in the presence of:-

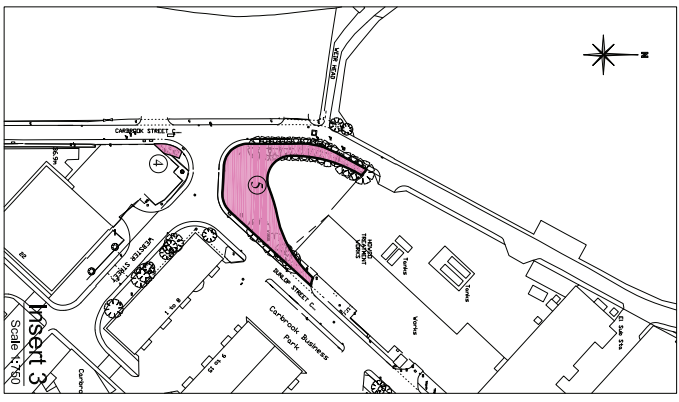
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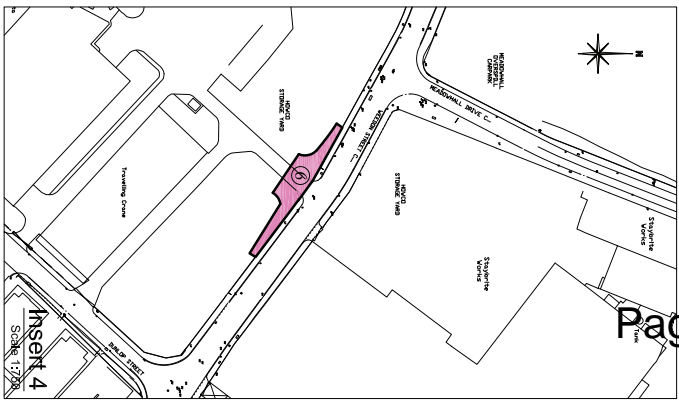
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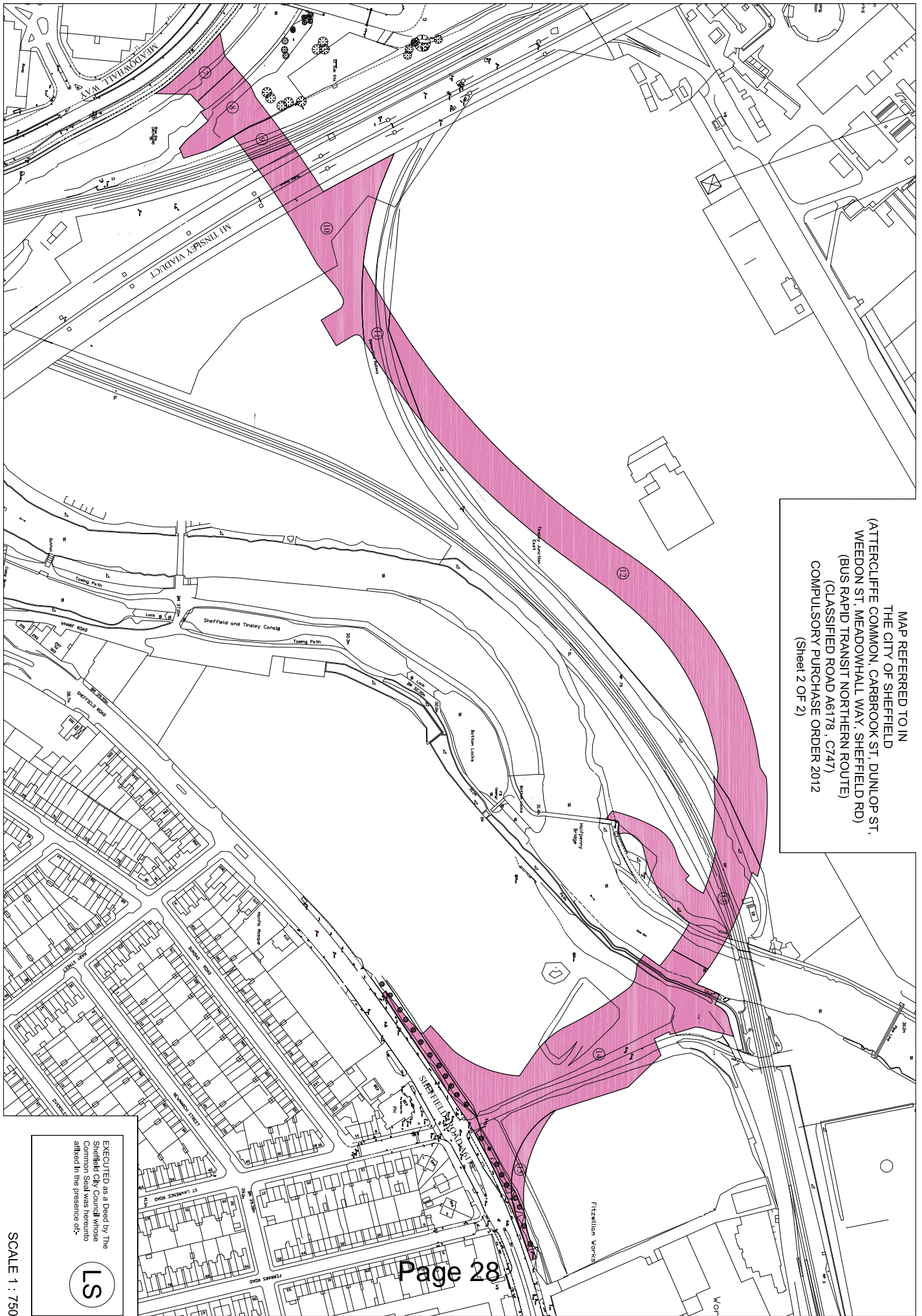
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Inset 3
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Inset 4
 Scale 1:750



MAP REFERRED TO IN
 THE CITY OF SHEFFIELD
 (ATTERCLIFFE COMMON, CARBROOK ST., DUNLOP ST.,
 WEEDON ST., MEADOWHALL WAY, SHEFFIELD RD)
 (BUS RAPID TRANSIT NORTHERN ROUTE)
 (CLASSIFIED ROAD A6178, C747)
 COMPULSORY PURCHASE ORDER 2012
 (Sheet 2 OF 2)

EXECUTED as a Deed by The
 Sheffield City Council whose
 Common Seal was hereunto
 affixed in the presence of:-

LS