



Report to Cabinet

Date: **9th November 2021**

Title: **Princes Risborough Southern Road Links (PRSRL) – Land Acquisition, Scheme Update and Side Roads Order**

Relevant councillor(s): Leader of the Council (Cllr. M Tett), Deputy Leader and Cabinet Member for Planning and Regeneration (Cllr. G Williams), Cabinet Member for Transportation (Cllr. S Broadbent), Cabinet Member for Finance, Resources, Property and Assets (J Chilver)

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Ward(s) affected: **The Risboroughs (Cllr. G Hall, Cllr. A Turner and Cllr. M Walsh)**

Recommendations: That the Cabinet is requested to:

- 1. Delegate authority to the Service Director for Strategic Transport & Infrastructure (in consultation with the s151 officer and Leader) to:**
 - a. Negotiate, agree terms and acquire the land, interests and rights (or extinguish the same) required for the Scheme by agreement and to instruct the Service Director for Legal & Democratic Services to negotiate and enter into all legal agreements necessary to facilitate any such agreements;**
 - b. Make any amendments, deletions or additions to the land identified in this report and the annexed Plan to be subject to a CPO if required to facilitate the delivery of the Princes Risborough Southern Road Links (PRSRL), including as a result of comments received during public consultation.**
- 2. Approve the acquisition of the Land Holding in accordance with the terms and price set out in the Appendix C (confidential)**
- 3. Authorise the making of a Compulsory Purchase Order ("CPO") under section 226 of the Town and Country Planning Act; to use the power of acquisition by agreement under s.227 TCPA 1990 (as amended) and use of powers in relation to securing new rights over land under s.13 Local Government (Miscellaneous Provisions) Act 1976,**

in respect of the land and interests within the area shown outlined in red on the plan annexed to this report (“the Order Land”) for the purpose of securing delivery of the PRSRL.

4. Authorise the making of a Side Roads Order(s) (“SRO”) under sections 14 and 125 of the Highways Act 1980 and all other necessary powers to:
 - a. Improve, raise, lower, stop up, divert or otherwise alter existing highways which cross or enter the route of the PRSRL or will otherwise be affected by the construction of the PRSRL or as required to deliver the PRSRL;
 - b. Construct new lengths of highways for purposes connected with the alterations referred to in (a) above and delivery of the PRSRL; and
 - c. Stop up private means of access and provide replacement or new means of access.
5. Delegate to the Service Director for Strategic Transport & Infrastructure (in consultation with the s151 officer and Leader) to take all necessary steps to implement the CPO and SRO for PRSRL including:
 - a. Making the CPO, including serving and issuing notices and certificates in connection with the making, confirmation and implementation of the CPO;
 - b. Taking all reasonable steps to promote the CPO and SRO, including promoting the Council’s case at any public inquiry.
 - c. To negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of objections to the CPO and SRO on such terms as may be appropriate.
 - d. Issue notices of entry to survey or value land under the Housing and Planning Act 2016 if required and obtain any warrants from the Magistrates Court for the purpose of such entry if considered necessary;
 - e. Making General Vesting Declarations (“GVD”) under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or serve Notices to Treat and Notices of Entry following confirmation of the CPO if required;
 - f. Issue and serve any warrants to obtain possession of any land acquired by the Council following execution of a GVD or service of a notice of entry if it is considered appropriate to do so;
 - g. To retain and/or appoint external professional advisers and consultants to assist in facilitating the making, promotion, confirmation and implementation of the CPO and SRO, the settlement of compensation and any other claims or disputes;
 - h. To undertake the land referencing of the Order Land including the preparation and service of notices in relation to the Order Land and other land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976;

- i. Making and issuing the SRO including the service and publication of all requisite notices and press notices;
 - j. Negotiating and entering into agreements or undertakings with persons with any legal interest in the land relating to the SRO and/or CPO;
 - k. Making any amendments necessary to the CPO and SRO arising as a result of negotiations with affected persons, further design work or for any connected reasons to enable delivery of the PRSRL;
 - l. Taking any further or other action necessary to secure the making, confirmation and implementation of the SRO and CPO.
6. Delegate to the Service Director for Strategic Transport & Infrastructure (in consultation with the s151 officer and Leader) to award the construction contract, subject to current forecast budget not being exceeded and full funding being confirmed, in accordance with the Council's Standing Orders relating to contracts; as well as agreeing appropriate maintenance arrangements.

Cabinet is asked to note:

1. The Princes Risborough Southern Road Links scheme as annexed to this report
2. The Service Director for Strategic Transport & Infrastructure (or such other appropriate officer) will seek to acquire land affected by the scheme through negotiation and agreement. A Compulsory Purchase Order will be served on those with an interest if agreement cannot be reached. There would be no requirement to hold a CPO inquiry if all interests and objections are settled beforehand.
3. A pre-planning consultation on the PRSRL preliminary design will be undertaken starting in November 2021.
4. That the PRSRL planning application is expected to be submitted early in 2022.
5. That the scheme is being progressed on the basis that the Council recoups the cost of the £12M HIF and the £2.73M of its capital funding from developers.
6. The remainder of the scheme funding is expected to be met by developers.

Reason for decisions:

These recommendations & delegated authorities will allow the project to progress and maintain its current programme. This includes obtaining planning permission (subject to approval); securing all necessary land; preparing Side Roads Orders and entering into a construction contract for the road links (subject to funding being confirmed).

Delegating Authority to award the contract (recommendation 6), subject to funding and budget, will ensure the maintenance of existing framework and contract conditions, and avoid the risk of Buckinghamshire Council needing to re-negotiate a new contract with a new supplier if the existing framework ends before all land is secured.

1. Executive summary

- 1.1 The Council has secured £12M from the Housing Infrastructure Fund (HIF) available to March 2023 and managed by Homes England towards the cost of phase one of the relief road, the PRSRL, supporting the delivery of the Princes Risborough Expansion Area. The project requires the acquisition of several parcels of land to progress and deliver the proposed scheme.
- 1.2 The scheme has now been developed to an agreed preliminary design using the previously approved £2.73M funding agreed at November 2019 Shadow Executive.
- 1.3 Key features of the scheme include realigning and widening Summerleys Road (to two lanes throughout); constructing a new rail underbridge with increased headroom; providing a new signalised junction and shared cycleway/footway towards the station and constructing a new section of highway to tie into Picts Lane. A public consultation on the design is planned for 18th November 2021.
- 1.4 The project has undergone extensive design optioneering to minimise the impact on landowners and residents. These factors are reflected in the red-line boundary for the scheme that defines the necessary land take. This includes land parcels that are not owned by the council.
- 1.5 The Council aims to secure the necessary land and access rights by private treaty. However, to enable the project to proceed to programme and make use of the HIF funding, authority is needed to make and serve a CPO, if negotiation fails. Authority to make an SRO will enable changes to the highway to be made lawfully.
- 1.6 The recommendations of this report are necessary to enable the project to proceed to the current programme. Further delays could run this risk of the Council missing the HIF funding deadline, and further increase costs.

2. Background

- 2.1 The Princes Risborough Expansion Area is the largest housing allocation in the former Wycombe area accounting for around 2500 homes or 5% of planned growth in Buckinghamshire up to 2033. The Local Plan infrastructure requirements, to be funded by developers, include a relief road for Princes Risborough.
- 2.3 Reflecting the constraints on the expansion area and its scale, the infrastructure requirements set out in Local Plan policy include a new relief road for the town that is to serve as a ‘complete alternative to the A4010’ with two rail under-bridges: and two new primary schools.

- 2.4 While the development is considered viable the need for infrastructure to be delivered at an early stage presents cash flow challenges for developers. To help address this, Buckinghamshire Council secured £12M HIF from Homes England towards the cost of phase one of the relief road, the PRSRL, thereby supporting the overall delivery of the expansion area. The £12M HIF grant is a recoverable grant, to be recycled on a project that will unlock housing within Buckinghamshire.
- 2.5 Following development of the feasibility design by Balfour Beatty, the estimated cost of the scheme was initially increased to £26M in the most likely scenario. This was reported to Shadow Executive Authority in November 2019 which agreed to release £2.6M (of the £2.73M allocated) as forward funding to progress the PRSRL. This paper is available in the Background papers.¹
- 2.6 In May 2020 the Council commissioned Balfour Beatty to design the PRSRL and investigate the land requirements of the scheme. The scope of works covers:
- Acquisition of all necessary property and/or rights, to facilitate delivery of PRSRL.
 - New Summerleys Road rail underpass bridge
 - Highway and junction improvements to Summerleys Road
 - Picts Lane realignment through the site adjacent the rail station
- 2.7 As a result of this design work, the Council now has a preliminary design. The current general arrangement drawing is available in the Appendices, listed as **Appendix A**. This work has also given a greater understanding of overall costs; however, the current ‘most likely’ scheme forecast exceeds the current available budget. Further information relating to financial forecasting, risk and optimism bias can be found within **Appendix B (confidential)**. These forecasts include updated land acquisition and potential land compensation requirements **but do not include potential savings from recently de-scoped elements of the scheme**.
- 2.8 While the scheme cost and hence the funding gap has increased, the intention remains that developers will meet the costs of the PRSRL in full. In February 2021, Cabinet agreed a Supplementary Planning Document (SPD) that sets out the Council’s preferred approach to the delivery of the expansion area. This includes how issues around delivery and funding responsibilities could be defined and agreed in advance in a Framework Agreement giving certainty to all concerned.

¹ [PRSRL Phase 1 Shadow Executive Decision](#)

- 2.9 Currently, only general assurances have been received from developers, and there is currently no formal agreement that landowners or developers would cashflow the project funding gap.
- 2.10 This means that the Council would need to seek to recoup any costs that it incurs from developers through the planning process via s106 contributions when planning applications are considered. Risks are considered in Section 7 of this report.
- 2.11 It is anticipated that when the PRSRL is completed developers will bring forward delivery of the main phase of the expansion including the remaining phases of the relief road (unless developers were to agree to fund the Council to take on an extended delivery role).

3. Land Assembly Update

- 3.1 Delivery of the PRSRL requires acquisition of land within the defined red line boundary. This includes land that is currently in multiple ownerships. Initial discussions and negotiations are underway with the landowners of the larger land parcels on the route, through the Council's appointed land agents Carter Jonas. The Council is aiming to secure land and rights through negotiation where possible.
- 3.2 Terms have been agreed in principle with one key landowner. The draft Heads of Terms for these are set out in **Appendix C (confidential)**.
- 3.3 As the project has progressed, the design and associated red-line boundary have been adjusted to reduce the overall property and environmental impacts. The land required is outlined within **Appendix D (confidential)**. *[the plan in Appendix D will be updated to exclude the de-scoped elements of the project]*. As well as two larger land holdings there are smaller land parcels that will be required.
- 3.4 The land impacts along Summerleys Road relate to realigning the highway and constructing a new rail underbridge. As part of the scheme residential driveways and accesses will also have to be adjusted to tie in with the highway to allow full height vehicles to pass under the new bridge. The land required for new tie in will only be needed temporarily while realignment is carried out.
- 3.5 The tie in works will ensure that properties affected by changing road levels will continue to benefit from off road parking. This will avoid on street parking issues and the need to design a wider carriageway with more land take. It is expected that residents may agree to the Council doing these works under licence, minimising any need for a CPO. The **Property Cost Estimate Report (PCE) within Appendix D (confidential)** sets out expected costs.

4. Compulsory Purchase Order (CPO)

- 4.1 Securing land in a timely manner is important in delivering the scheme on budget and time. Where negotiations prove unsuccessful or cannot be concluded in a timely way, the Council will need to secure land through use of its compulsory purchase powers. The major time pressure on this scheme is the period within which HIF is available; this ends March 2023.
- 4.2 Local authorities can use compulsory purchase powers to acquire land and land interests to progress projects where there is a compelling public interest for doing so.
- 4.3 Buckinghamshire Council has the powers to make a CPO under the Highways Act 1980) and the Town and Country Planning Act (s226 TCPA 1990). More detail around the legal and financial aspects and the risks are set out in sections 7 and 8 of this report
- 4.4 The use of compulsory purchase powers to secure land needed for the implementation of projects is instrumental in encouraging meaningful negotiations with landowners. A Local Authority considering the use of such powers is expected to seek acquisition of land by negotiated settlement prior to and concurrently with commencing the CPO process.
- 4.5 There is a demonstrable need for, and a substantial public interest in providing the PRSRL, as it will unlock delivery of the expansion area, alongside reducing traffic pressures within Princes Risborough. The evidence base for this relies upon the Wycombe Local Plan which was approved following a public examination by an independent Inspector. This sets out the case for a new Princes Risborough relief road, of which the PRSRL is the first phase, to support delivery of 2500 new homes in the expansion area.
- 4.6 Statutory Blight: Planning proposals may have an adverse effect on property directly affected by a proposed scheme. This may mean that an owner-occupier is unable to realise the market value that would have been obtainable had the owner's land not been affected by the proposals. This may be because prospective purchasers either will not proceed with the purchase or, having learned of the planning proposals, will only offer a price 'substantially lower than that for which it might reasonably have been expected to sell'. This is generally referred to as 'planning blight' and sections 149 to 171 Town and Country Planning Act 1990 are designed to relieve hardship by making it possible, subject to conditions, for owner-occupiers or mortgagees of certain properties to require the relevant authority to purchase their interests.
- 4.7 In circumstances where the criteria is met for Blight the Council may be served with a Blight Notice requiring them to purchase the land at the market value without taking account of the development and therefore properties affected by the development as above would be entitled to require the council to purchase their property. This risk is most likely to emerge after the submission of a planning application for the Scheme

and the most likely cost of this has been included in the forecast blight risk allowances and profile included within the **Confidential Financial Appendix B**.

5. Side Roads Order

- 5.1 The SRO is required under sections 14 and 125 of the Highways Act 1980. The SRO will authorise the Council to improve, raise, lower, stop up, divert or otherwise alter existing highways that cross or enter the route of the PRSRL or which will otherwise be affected by the construction of the PRSRL. The power also extends to construction of new lengths of highways for purposes connected with the alterations made to the existing highways.
- 5.2 The SRO will also authorise the stopping up and provision of replacement or new private means of access to premises/land. Specific Details of the proposed SRO are contained within **Appendix E – Side Road Orders Details**.

6. Other options considered

- 6.1 Cabinet could decide not to approve making the CPO: If this option is chosen, the delivery of the scheme will depend on agreement by negotiation potentially adding to costs and delays that could mean it's not possible to use the HIF within the availability period putting this funding at risk and putting the delivery of the relief road and the expansion area at risk.
- 6.2 Cabinet could decide not to delegate various functions for progressing the CPO. This process would also limit the County Council's ability to respond proactively to ongoing land negotiations as these progress and could result in delays, caused by inflation or loss of funding as mentioned above.
- 6.3 Cabinet could decide not to delegate the decision to award the construction contract to the Director of Planning, Growth and Strategy. This would risk the Council losing its procurement partner midway through the delivery process. This would add delays and hence funding and risk a new procurement framework partner needing to re-price and commit to a design they have not developed, exposing the Council to significant cost risk.

7. Legal implications

7.1 Compulsory Purchase Order (CPO)

- 7.1.1 There are legal implications to the Council relating to making and serving a Compulsory Purchase Order.
- 7.1.2 The Council must demonstrate that there is a compelling case in the public interest for acquiring the land compulsorily. This must be set out in the Statement of Reasons

which will be issued to the affected landowners. It will need to be demonstrated that there is no impediment to delivery of the scheme and that all necessary resources are likely to be available to achieve that end within a reasonable timescale.

- 7.1.3 Further details on Legal Implications, process and human rights issues can be found in **Appendix F - Legal Advice**
- 7.2.1 A notice of the making of the SRO will be published in at least one local newspaper circulating in the areas where the highways to which the SRO relates are situated and in the London Gazette before the SRO is submitted to the Secretary of State for Transport for confirmation.
- 7.2.2 There will be a minimum six-week period for representation and objections to be made to the SRO. Objections to the SRO are made directly to the Secretary of State for Transport. The SRO must be made by the Council before the CPO is made.

8. Financial Implications

- 8.1 The full cost of this project is to be recouped from developers of the expansion area. It is currently being forward funded from the £2.73M committed by the Council. Further progress beyond the grant of planning permission and for land acquisition will depend upon drawing down the £12M HIF funding.
- 8.2 Formal agreement has not yet been reached with developers on their contributions. This issue needs to be resolved or other funding identified - so that the PRSRL can proceed to programme. **This is considered further as part of financial details in the confidential appendix in Appendix B.**

9 Corporate implications

There are several relevant corporate plan priorities relating to this report, including:

- ‘Increasing Prosperity’ by improving connectivity and tackling congestion through investments in our roads.
- ‘Improving our environment’ in reducing emissions by improving the traffic flow over the bridge thereby removing the current situation of vehicles idling whilst waiting to get over it.
- ‘Strengthening our communities’ by providing the homes and affordable housing needed.

- 9.1 **Property implications:** Agreeing the recommendations would allow the Council to negotiate the purchase of the land necessary for the project. The purchase would be subject to approval from the Director of Property. Any residential property acquired via the blight process would be considered for either re-sale or rental. Determination of this will be via the Director of Property.

- 9.2 **Human Resource implications:** None.
- 9.3 **Climate change & Sustainability implications:** These must be considered as part of the overall Princes Risborough expansion that forms part of the approved Local Plan which was supported by a Sustainability Appraisal.

The application will need to comply with the climate change requirements set out in the Local Plan. These issues will be assessed in more detail as part of the Environmental Impact Assessment (EIA) which will accompany the planning applications. PRSRL will target a Biodiversity Net Gain and the preliminary design encompasses proposals to offset the impact of the road scheme.

- 9.4 **Equality implications:**
- 9.5 The Council must have due regard to its public sector equality duty under section 149 of the Equality Act 2010. **Data Implications:** None
- 9.6 **Value for Money (VfM) implications:** The project has been procured through the Scape 2 Infrastructure Framework, which has been market tested, to ensure Value for Money. Regular Commercial reviews are undertaken by the Highways Infrastructure Projects team to ensure Value for Money is tested.

9.7 Local councillors & community boards consultation and views

The project team have consulted with local councillors affected by the PRSRL project as well as the Leader and Cabinet Member for Transport. The ward affected is **The Risboroughs**.

Briefings with Local Cllrs, including Chairman of the North West Chilterns Local Community Board, have been undertaken prior to the consultation, where the project team presented the proposed consultation material. Local members were supportive of the main works including the decision to re-align the bridge, but unhappy with the interim measures proposed on Shootacre Lane and Picts Lane Junction. As a result, the scope of the scheme has been reduced.

The timing of the North West Chilterns LCB has unfortunately meant that it has not been possible to brief the LCB on this issue at this stage. The Town Council will be briefed prior to the pre-planning consultation.

10 Public Consultation Approach & Engagement

A public consultation on the design of the PRSRL will be held between **18th November & 12th December 2021**. This will be online owing to Covid-19. The consultation will include:

- 10.1 A PRSRL consultation webpage on Your Voice Bucks and a feedback form, accessible on the BC website. This is being regularly reviewed and updated.
- 10.2 An email setting out the PRSRL proposal, sent to key stakeholders such as the local Member of Parliament and emergency services.
- 10.3 Letters issued to stakeholders directly impacted by land issues **prior to consultation (w/c 15th November)**
- 10.4 A consultation leaflet distributed to nearby frontages
- 10.5 A live, online Questions and Answers (Q&A) event, **week commencing 22nd November**.
- 10.6 A press release and social media output.
- 10.7 Continued e-bulletin updates post consultation

Following the closure of the proposed consultation on **12th December**, the project team will collate and analyse the responses gathered and will produce a Consultation Response Document addressing the queries raised during the consultation. This information, including any changes proposed to the design, will be published on the PRSRL webpage by the end of November 2021 and briefed to the leader ahead of any planning submission.

11 Next Steps and Review

If the recommendations of this report are agreed, the project team will:

- Undertake a pre-planning consultation on the PRSRL scheme, prior to a planning submission.
- Commence negotiations with residential landowners, to enable purchase /license agreement to access / adjust any land necessary for the scheme.
- Agree and secure any required land already under negotiation
- Prepare, make, and serve the CPO, if necessary, for the scheme
- Prepare the Side Roads Order
- Submit the Planning Application within 2021/22 financial year.
- Agree contract position with the Main Contractor to enable delegated authority to enter into a contract subject to funding being confirmed.

Background papers

Previous Council meetings that the PRSRL scheme has been presented to, and sought authority to proceed are as follows:

- 11.1 November 2019 – Shadow Executive Decision - develop design and negotiate land

Appendices

- 11.2 Appendix A – **(Confidential)** Plan of the scheme including redline boundary
- 11.3 Appendix B – **(Confidential)** Financial Details & Risks
- 11.4 Appendix C – **(Confidential)** Land Holding Acquisition Details
- 11.5 Appendix D – **(Confidential)** Land Plan & Property Cost Estimate Report (PCE)
- 11.6 Appendix E – SRO Detail & Plan for PRSRL
- 11.7 Appendix F – Legal Implications

12 Your questions and views (for key decisions)

If you have any questions about the matters contained in this report, please contact the author of this report. If you have any views that you would like the cabinet member to consider, please inform the democratic services team. This can be done by telephone 01296 382343 or email democracy@buckinghamshire.gov.uk