



Department
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Our Ref: NATTRAN/NW/LAO/119 & 120

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Dear Ms Gore

**THE LIVERPOOL CITY COUNCIL (A565 HIGHWAY IMPROVEMENTS PHASE I) –
COMPULSORY PURCHASE ORDER 2016 (“LCC CPO1”)**

**THE LIVERPOOL CITY COUNCIL (A565 HIGHWAY IMPROVEMENTS PHASE II) –
COMPULSORY PURCHASE ORDER 2016 (“LCC CPO2”)**

**THE SEFTON METROPOLITAN BOROUGH COUNCIL (A565 HIGHWAY
IMPROVEMENTS) – COMPULSORY PURCHASE ORDER 2016 (“SMBC CPO”)**

**THE LIVERPOOL CITY COUNCIL (A565 CLASSIFIED ROAD HIGHWAY
IMPROVEMENTS) (NO 2) (SIDE ROADS) ORDER 2016 (“LCC SRO”)**

**THE LIVERPOOL CITY COUNCIL (A565 HIGHWAY IMPROVEMENTS PHASE I)
(NO 2) – COMPULSORY PURCHASE ORDER 2016 (“LCC CPO1(2)”)**

**SECRETARY OF STATE’S DECISION – ORDERS TO BE CONFIRMED WITH
MODIFICATIONS**

1. I refer to your application, submitted on behalf of Liverpool City Council and Sefton Metropolitan Borough Council, for confirmation of the above named SRO and CPOs. The Secretary of State for Transport (“the Secretary of State”) has decided to confirm, as modified by him, the Orders and this letter constitutes his decision to that effect.

2. The confirmed Orders will authorise the Liverpool City Council and the Sefton Metropolitan Borough Council (“the Councils”) to:

- (i) (a) improve highways;
- (b) stop up highways;
- (c) stop up private means of access to premises; and
- (d) provide new means of access to premises

at Ensor Street, Stone Street, Sherwood Street and Walter Street, all on or in the vicinity of the route of the classified road known as A565 Great Howard Street/Derby Road which

the Council are proposing to improve between its junction with Chadwick Street in the south and its junction with Millers Bridge in the north.

(ii) purchase compulsorily the land and the new rights over land for the purposes of the construction for the improvement of the existing highway known as the A565 Great Howard Street, the construction for the improvement of the existing highway known as the A565 Derby Road, the improvement of existing highway at Stone Street and Sherwood Street, Liverpool, the improvement or development of frontages to the Highway or of land adjacent to the highway, the carrying out of drainage works in connection with the construction or improvement of the Highway, the use of the land by the Acquiring Authority in connection with the construction and improvement of the Highway or other highways within its vicinity and mitigating any adverse effects which may arise associated with the construction or improvement of the Highway by the Acquiring Authority.

MODIFICATIONS

3. The Secretary of State will make the modifications to the Orders as agreed by the Councils. The Secretary of State will also make the modifications to the Compulsory Purchase Orders as agreed in the Inspector's Report at paragraphs 7.1.3.17 to 7.1.3.20 and the Side Roads Order as agreed in the Inspector's Report at paragraphs 7.2.5 and 7.2.8. All modifications are listed at the Annex to this Order.

CONSIDERATIONS FOR DECISION

4. The application was referred to the Secretary of State for a decision as statutory and non-statutory objections remained outstanding to the Orders. It was decided that concurrent local Public Inquiries should be held for the purposes of hearing those objections and such Inquiries were held on 1 – 3 August 2017 at the Cunard Building, Water Street, Liverpool, following a pre-Inquiries meeting held at the same location on 24 May 2017 before I Jenkins, an independent Inspector appointed by the Secretary of State.

5. The Inspector considered all representations and objections about the Orders during the Inquiries and has since submitted a report to the Secretary of State, a copy of which is enclosed with this letter. The Secretary of State has given careful consideration to the Inspector's report and also to a number of relevant issues, as set out in *Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion*, in reaching his decision on the CPO, namely that:

- i) there should be a compelling case in the public interest to acquire all the land and that this should sufficiently justify interfering with the human rights of those with an interest in the land affected;
- ii) the acquiring authority should have a clear idea of how it intends to use the land that it wishes to acquire;
- iii) sufficient resources should be available to complete the compulsory acquisition within the statutory period following confirmation of the Order, and to implement the scheme;

- iv) there should be a reasonable prospect of the scheme going ahead and it should be unlikely to be blocked by any impediment to implementation; and
- v) in relation to the areas of highway to be stopped up and private means of access to be stopped up, that another reasonably convenient route is available or will be provided before the highway is stopped up.

CONCLUSION

6. The Secretary of State for Transport has considered carefully all the objections to, and representations about, the Orders. In particular, consideration has been given to the provisions of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect, the Secretary of State is satisfied that in confirming the CPO a fair balance has been struck between the public interest and interests of the objectors, owners and lessees.

7. He is satisfied that the scheme, for which the Orders land is required, consists of the improvement of existing highways and the Orders scheme forms part of the North Liverpool Key Corridor (NLKC) improvement scheme. The works are all within current highway land and no further statutory authorisation is required for them. The Secretary of State is also satisfied that, whilst the intention is not to include cycle lanes along the sections of the A565 subject of the Orders, an off-carriageway cycle corridor would be provided as part of the NLKC improvement scheme. He is further satisfied that in exercising its powers under Section 239 of the Highways Act 1980, the Council is pursuing the compulsory purchase of lands required for the improvement of a highway and there are clear descriptions of why the Order lands are required and how they will be used. The Council has confirmed that funding is available for delivery of the scheme and the Secretary of State is therefore satisfied that there are no anticipated impediments to the scheme going ahead.

8. Having considered all aspects of the matter the Secretary of State is satisfied that there are no compelling reasons brought forward which would justify not confirming the Orders. Accordingly, the Secretary of State agrees with the Inspector's recommendation and has decided to confirm, as modified by him, 'The Liverpool City Council (A565 Highway Improvements Phase I) – Compulsory Purchase Order', 'The Liverpool City Council (A565 Highway Improvements Phase II) – Compulsory Purchase Order 2016', 'The Sefton Metropolitan Borough Council (A565 Highway Improvements) – Compulsory Purchase Order 2016', 'The Liverpool City Council (A565 Classified Road Highway Improvements (No 2) (Side Roads) Order 2016' and 'The Liverpool City Council (A565 Highway Improvements Phase I) (No 2)– Compulsory Purchase Order 2016'.

9. In confirming the Orders, the Secretary of State has relied on the information that the Council and others have provided, as contained in the Orders and any related plans, diagrams, statements or correspondence, as being factually correct. Confirmation is given on this basis.

COMPENSATION

10. Details of compensation arising as a consequence of confirmation of the Orders are a matter for negotiation with the acquiring authority and not the Secretary of State. Accordingly, qualifying persons in relation to the land included in the Orders will need to be approached by the Council about the amount of compensation payable to them in respect of

their interests in the land required for the proposals. If the amount cannot be agreed the matter may be referred for determination by the Lands Tribunal under the Lands Tribunal Act 1949 and the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

AVAILABILITY OF DOCUMENTS

11. A copy of this letter and accompanying annex, together with a copy of the Inspector's report has been sent to those parties who appeared at the Inquiries, other interested parties and relevant Members of Parliament. Copies will be made available on request to any other persons directly concerned and will also be made available for viewing at <https://www.gov.uk/government/collections/highways-act-inspectors-reports-and-decision-letters>. Please arrange for a copy of the Inspector's report and of this letter be made available for inspection at the offices of the Council and at all other places used to deposit the Orders for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report. Those documents, photographs or plans, are retained at this office, and will be made available at a local place of inspection.

RIGHT OF CHALLENGE

12. Notice is to be published of confirmation of the Orders. Any person who wishes to question the validity of the confirmed Orders, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded his powers or has not complied with the relevant statutory requirements in confirming them may, under the provisions of section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such an application must be made within six weeks of publication of the notice that the Orders have been confirmed. The High Court cannot entertain an application under section 23 before publication of the notice that the Secretary of State has confirmed the Orders.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dave Candlish', with a long horizontal stroke extending to the right.

DAVE CANDLISH

Authorised by the Secretary of State for Transport
to sign in that behalf

A565 HIGHWAY IMPROVEMENTS

PROPOSED MODIFICATIONS TO ORDERS AND ORDER PLANS

DOCUMENT	CHANGE	MODIFICATION
The Liverpool City Council (A565 Classified Road Highway Improvements) (Side Roads) (No.2) Order 2016	<u>Plan 1 of 4 (original & replacement)</u>	Title of each Plan modified to read ' <i>The Liverpool City Council (A565 Classified Road Highway Improvements) (No2) (Side Roads) Order 2016 Plan</i> '
	<u>Plan 2 of 4 (original)</u>	
	<u>Plan 3 of 4 (original & replacement)</u>	
	<u>Plan 4 of 4 (original & replacement)</u>	
	<u>Plan 4 of 4 (original & replacement)</u>	Reference to Bankhall Street to the west of Derby Road amended to Bankfield Street
	<u>Order Article 4.2 "Site Plan"</u>	The reference to the Site Plan modified to read ' <i>The Liverpool City Council (A565 Classified Road Highway Improvements) (No2) (Side Roads) Order 2016 Plan</i> '
Last sentence on page 2 of Order	This Order may be cited as modified to read ' <i>The Liverpool City Council (A565 Classified Road Highway Improvements) (No2) (Side Roads) Order 2016.</i> '	
<u>Schedule 1</u> Sherwood Street	Reference to Length of Sherwood Street to be improved to be removed from the Order and new Plan provided with this highway improvement removed.	
<u>Schedule 2</u> Sherwood Street	Reference to Length of Sherwood Street to be stopped up removed from the Order and new Plan provided with this highway to be stopped up removed.	

	<p>Enzor Street</p> <p><u>Schedule 3</u> New Private Means of Access A2</p>	<p>Reference to the length of Enzor Street to be stopped up is reduced from 65 metres to 58 metres and new Plan(s) (Sheets 3 of 4 and 4 of 4) provided with the area of highway to be stopped up reduced.</p> <p>Reference to the private means of access has been moved west to adjoin the reduced length of highway to be stopped up at Enzor Street. The southern extension of the area to be stopped up has also been extended to encompass the southern footway.</p>
<p>The Liverpool City Council (A565 Highway Improvements Phase I) Compulsory Purchase Order 2016</p>	<p><u>Order</u></p> <p><u>Schedule</u> Table 1, Column 2</p> <p>Table 1, Column 2 Plots 2, 5, 6, 10, 11, 17, 23, 25, 28 & 29</p> <p><u>Schedule</u> Table 1 Plots 13, 14, 18 & 19</p> <p><u>Schedule</u> Table 1 Plots 33 & 34</p> <p><u>Plan</u> Plan (Sheet 1 of 2) (replacement plan only)</p>	<p>Article 1, Point 1.2. to be removed from the Order</p> <p>The word “approximately” is deleted from all Plot descriptions</p> <p>The words “All interests in” are deleted from Plots 2, 5, 6, 10, 11, 17, 23, 25, 28 & 29</p> <p>Plots 13, 14, 18 & 19 are deleted from the Order Schedule and new Plan provided with plots removed.</p> <p>Plots 33 & 34 are deleted from the Order Schedule and new Plan provided with plots removed.</p> <p>Date amended to read 2017</p>

<p>The Liverpool City Council (A565 Highway Improvements Phase 1 (No 2) Compulsory Purchase Order 2016</p>	<p><u>Order</u></p> <p><u>Schedule</u> Table 1 Plots 3 & 4</p>	<p>Article 2 modified to read: '<i>The land authorised to be purchased compulsorily under this order is the land described in the Schedule and delineated and shown edged red and coloured pink on a map consisting of <u>one sheet</u>.....'</i></p> <p>Plots 3 & 4 are deleted from the Order Schedule and new Plan provided with plots removed.</p>
<p>The Liverpool City Council (A565 Highway Improvements Phase II) Compulsory Purchase Order 2016</p>	<p><u>Order</u></p> <p><u>Schedule</u> Table 1, Column 2</p>	<p>Article 1, Point 1.2. to be removed from the Order</p> <p>The word "approximately" is deleted from all Plot descriptions</p>
<p>The Sefton Metropolitan Borough Council (A565 Highway Improvements) Compulsory Purchase Order 2016</p>	<p><u>Schedule</u> Table 1, Column 2</p> <p><u>Schedule</u> Table 1 Plot 2 & 11</p>	<p>The word "approximately" is deleted from all Plot descriptions</p> <p>Plot 2 & Plot 11 are deleted from the Order Schedule and new Plan provided with plots removed.</p>