

**REGENERATION, COMMUNITY AND CULTURE  
OVERVIEW AND SCRUTINY COMMITTEE**

**19 JUNE 2008**

**CHATHAM ROAD SCHEME**

Report from: Robin Cooper – Director of Regeneration, Community and Culture

Author: Sara Purvis – Chatham Project Manager

**Summary**

This item was deferred from the meeting of this committee on 29 May 2008 for the provision of further information on the extent of land acquisition required and likely cost of this, as well as for more information of the proposed revised layout for the bus facility.

This report sets out details of the proposed phase 2 road scheme for Chatham, and seeks the views of the committee in advance of taking a report to Cabinet on 24 June 2008 to seek approval of the scheme and authorisation to make a Compulsory Purchase Order.

**1. Budget and Policy Framework**

- 1.1 The Chatham road scheme is to be funded by Communities and Local Government (CLG - Thames Gateway) grant administered through Medway Renaissance, and part of the scheme may be funded through developer contributions. The road scheme is supported by relevant policies contained within the Local Transport Plan and is key to the delivery of the regeneration proposals for Chatham set out in the adopted Chatham Centre and Waterfront Development Framework.
- 1.2 In order to achieve the programme within the three year funding period, work must commence as early as possible on the proposed Compulsory Purchase Order (CPO) to ensure that all land required for the scheme can be acquired in the necessary timescale. This can be a lengthy process. Significant delay could result in the scheme not being delivered within the three year period. The decision to make a CPO must be made by full Council.

### 1.3 Reasons for urgency

This report is being brought to the committee as a matter of urgency as its views are sought before the matter is considered by the Cabinet on 24 June 2008. In order to achieve the programme within the three year funding period, work must commence as early as possible on the proposed Compulsory Purchase Order (CPO) to ensure that all land required for the scheme can be acquired in the necessary timescale. This can be a lengthy process. Significant delay could result in the scheme not being delivered within the three year period.

## **2. Background**

- 2.1 The Chatham Centre and Waterfront Development Framework was adopted in July 2004 and that document established the principle of closing Sir John Hawkins Way and Globe Lane to general traffic and to create a bus and taxi only route, in order to remove the heavy through traffic from the Waterfront area, and to improve pedestrian links from the town centre to the Waterfront.
- 2.2 This adopted document also established the principle of redeveloping sites on the Waterfront, along the Brook, and elsewhere in Chatham Centre, to generate new employment opportunities, improved retail offer and new homes, to assist in the regeneration of Chatham and the creation of a City Centre for Medway. A development brief was subsequently produced for the Pentagon Centre and then for three further key areas, the Waterfront, Station Gateway and the Brook. These carry forward the principles established in the Development Framework and have been the subject of extensive consultation. The Development Framework was itself the outcome of extensive consultation over a four year period. The development briefs for the Waterfront, Station Gateway and The Brook will be brought to Cabinet for adoption shortly.
- 2.3 Phase 1 of the road scheme involved the introduction of the two way system and temporary closure of the Sir John Hawkins Way flyover. Phase 1 demonstrated the Council's commitment to the regeneration of Chatham by replacing the one-way system with two-way traffic. The constraint on the first phase was that it had to be achieved within existing highway boundaries. This avoided the need for land acquisition, enabling the Council to meet its spending target, but meant that further phases were essential to complete the road network so that development traffic and general traffic growth could be accommodated. The two-way system was successfully opened in September 2006.
- 2.4 In December 2007, Cabinet resolved to approve the general location of the bus facility, and agreed to the permanent closure of Sir John Hawkins Way and Globe Lane to general traffic and subsequent demolition of the flyover.

- 2.5 In February of this year the location of the bus facility was agreed, in principle, by Cabinet. Following that decision detailed design work has led to a slight realignment of the layout, which is outlined in this report.

### **3. Options**

There are three possible options and these are discussed in the following paragraphs:

- 3.1 Recommend the phase 2 road scheme, final alignment of the bus facility and recommend that Council makes the required CPO. This is the recommended option.
- 3.2 Recommend the road scheme, and final alignment of bus facility but not resolve to make the CPO. This option is not recommended due to the implications that it could have on the ability to purchase the land required in a timely manner, and to enable the anticipated programme to be achieved. Not achieving the programme will also have implications for funding, which is only available for the three year funding period to 2011.
- 3.3 Not recommend either road scheme and final alignment of bus facility or CPO – this option is not recommended as without the implementation of the road scheme and bus facility key masterplan and regeneration priorities will not be met, and this will put anticipated major developments and the regeneration programme for Chatham in jeopardy, alongside the funding allocated over the next three years for these and other related projects. A loss of credibility could result and this could impact on the availability of future funding.

### **4. Advice and analysis**

- 4.1 Highway and transport consultants Mott MacDonald have been appointed to advise on the Chatham Road Scheme. Detailed design work has been progressing on the Phase 2 Road Scheme since earlier this year, and a significant amount of traffic modelling has been undertaken to assess the impact of the proposed changes on the highway network, the results of the traffic modelling have been presented to the relevant portfolio holders and to Chatham Members Board.

- 4.2 The proposed phase 2 road scheme comprises the following works:

Closure and demolition of the Sir John Hawkins Way flyover, including construction of a temporary bus link over the Sir John Hawkins Way car park to the High Street. Medway Street will be closed to southbound traffic during this time, due to buses being diverted along this route. The demolition of the flyover is currently programmed for early in 2009. Following demolition of the flyover the at-grade (at ground level) bus and taxi route along Sir John Hawkins Way will be

constructed. No land acquisition is required for this stage of the works.

- 4.3 Minor improvements are proposed to Manor Road to accommodate two way traffic (light vehicles only). This route is proposed only to take local traffic from the lower High Street and Medway Street onto the A2 and is not intended to be used by through traffic, which will be diverted away from the lower High Street.
- 4.4 The next stage of the works will be junction improvements and realignment of Union Street, which will build significant additional capacity into the network in this location. The scheme includes a section of bus lane on the High Street at its junction with Union Street. Access to local housing and shops will be maintained but non public transport through traffic will be diverted along the A2. This will provide increased journey time certainty for buses, reduce delays to public transport and, through the simplification of junctions and signals actually reduces the journey times for cars as well. Some land acquisition is required for this stage of the works.
- 4.5 Once the Union Street improvements are in place the construction of the new bus facility on Globe Lane will commence. At this stage Medway Street will be closed at the junction with Globe Lane. Traffic on Medway Street will be two way, and will allow access only to the premises along Medway Street. All through traffic will use the A2 and Brook.
- 4.6 The next stage in the road scheme is the widening of Gibraltar Hill. This will provide additional capacity on this important route into the centre of Chatham.
- 4.7 The final stage of the phase 2 road scheme is the widening of the Brook. This will be done in three stages. The first between Slicketts Hill and Queen Street does not require any land acquisition and could be partly funded by developer contributions from the proposed Queen Street development. The second stage between Queen Street and the Magistrates Court is dependant on land acquisitions. The final stage between the King Street and Globe Lane is dependent on the closure of the existing bus facility within the Pentagon Centre, and partly dependent on the redevelopment and extension of the centre in this location. Developer contributions may be sought towards this stage of the works.
- 4.8 Much of the land required for the road scheme, and all of the land required for the bus facility is in Council ownership. However, there are a number of sites that are required for the road scheme which are in third party ownership. Many of these are expected to be acquired by negotiation, one site has already been acquired and negotiations are continuing on a number of others. However it is considered that not all of the land required will be able to be acquired by negotiation without a CPO in place, in the time available. It is therefore proposed that the Council resolve to make a CPO. There is additional information on this

matter, including plans of the land it is proposed to acquire in the exempt appendix attached to this report.

- 4.9 Should Cabinet approval to the phase 2 road scheme be given, a planning application for the works will be submitted and a planning application for the bus facility will follow later in the summer.
- 4.10 A draft programme for the works is appended to this report for information, clearly as work progresses this programme may be subject to change. There are a number of risks in achieving this programme. The main risk is of failure to acquire the land. If the land is not available the next phases cannot be built and no progress can or will be made. There are further risks associated with smaller scale service diversions and the inter-relationship between phases but the primary risk of non-delivery is if land is not available at the critical times.
- 4.11 Since Cabinet agreed, in principle, the location of the bus facility in February 2008, further detailed design work has been undertaken. This has resulted in a minor realignment of the bus facility layout, in order to avoid significant sewer diversion costs. The new proposed layout is still in the Globe Lane location approved by Cabinet, and it is still designed in an "island" configuration. The facility's design allows for dynamic station operation. The need to avoid the sewer alignments has meant that the layout encroaches slightly onto a small area of the Paddock along the length of Globe Lane. Indicative landscape proposals have been produced showing how a larger area of landscaped open space can be re-provided due to the proposed closure of Military Road as it passes the front of the Pentagon Centre. The report to Cabinet will ask that Cabinet confirm their agreement to the final location of the bus facility, in order that a planning application can be progressed. A plan is appended to this report showing the revised layout.
- 4.12 The phase 2 road scheme and the construction of the new bus facility will be completed within the next two and a half years based on the draft programme. It is inevitable that during this period there will be disruption and delays to traffic. However once the works are complete, modelling shows that the road network in Chatham will be capable of accommodating the additional traffic anticipated due to the regeneration proposals and traffic growth for a considerable period of time. It will be important to ensure that during the works the public, including residents and people who work in and visit Chatham are kept informed of the programme and are given information about the timing of road works, road closures and likely disruption well in advance, providing details of alternative routes where relevant. This will be done through a media campaign, signage, leaflets and all other available media options.

## **5. Consultation**

- 5.1 There has been a significant level of consultation carried out on the principles behind the proposed road scheme. The adopted Development Framework was consulted on prior to its adoption in 2004.
- 5.2 The Development Briefs were consulted on extensively in summer 2007, and these contained a movement strategy which embodied the principles carried forward by the road scheme.
- 5.3 Further consultation was undertaken in November 2007 when the proposed location of the bus facility was consulted upon.
- 5.4 Once submitted, the planning applications for the road scheme and the bus facility will be consulted on in the usual way.
- 5.5 Any appropriation of open space at The Paddock will require advertisement under S122 of the Local Government Act 1972.

## **6. Financial and legal implications**

- 6.1. The Council, as the highway authority, has the power (compulsorily or by agreement) to acquire land required for the construction or improvement of a highway pursuant to section 239 of the Highways Act 1980, subject to the distance limits set out in Schedule 18 of the Act. Under sections 240-246 the Council has powers to acquire other land in connection with its highway powers (e.g. under s246 the power to acquire land required for mitigating the adverse effects of constructing or improving a highway).
- 6.2. Circular 06/2004 "Compulsory Purchase and the Crichel Down Rules" advises that a Compulsory Purchase Order should only be made where there is a compelling case in the public interest to do so. In determining whether to make an Order, regard should be had to the rights protected under the Human Rights Act 1998.
- 6.3. The proposal raises implications under the Human Rights Act 1998, the First Protocol Article 1 and (where the properties to be included in the Order are residential properties) Article 8.

The First Protocol, Article 1 protects a person's peaceful enjoyment of his possessions (including property). The Article states that no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. However, the provisions do not impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. The making of a Compulsory Purchase Order will interfere with the peaceful enjoyment of property, however, such interference is permitted by law, under the Highways Act 1980 and the Acquisition of

Land Act 1981 (which sets out the procedure for making and confirming a CPO). It is considered that the making of this CPO, for the reasons set out in the report is in the public interest and that the interference with the peaceful enjoyment of property is proportionate having regard to the legitimate aims pursued by the Council in making the CPO.

Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence. There may be no interference with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. Where the property to be included in the CPO is residential property, there will be interference with this right, but such interference is in accordance with the law: the Highways Act 1980 and the Acquisition of Land Act 1981. It is considered that the making of the CPO, for the reasons set out in the report is necessary for public safety, economic wellbeing, protection of health and for protection of the rights and freedoms of others and that the interference with the right to respect for homes is proportionate having regard to the legitimate aims pursued by the Council in making the CPO.

- 6.4. A CPO may be made by the Council, but must be confirmed by the Secretary of State. If objections are made to the Order, the Secretary of State will hold a public inquiry before determining whether or not to confirm the Order, in full or in part. The costs of a public inquiry would be borne by the Council, and could be in the region of £50,000 - £100,000, depending upon the number and the nature of the objections.
- 6.5. A resolution of the Council to make a CPO under s246 of the Highways Act 1980 or the inclusion of land on plans approved by a resolution of the Council as the site of a highway proposed to be constructed, improved or altered by the Council would enable qualifying persons (as defined in the Town & Country Planning Act 1990) to serve a blight notice on the Council, requiring the Council to acquire the blighted land. Otherwise, if the Council acquires under the CPO the statutory provisions as to compensation will apply when the CPO is exercised. If the Council acquires under the CPO it will be required to pay market value and additional costs such as loss payments, disturbance, removal costs and fees.
- 6.6. In some cases where the Council proposes to acquire part only of a property, it may be required to purchase the whole unless it can show that part can be taken without material detriment to the whole or without seriously affecting the remaining property's amenity or convenience.

- 6.7. There will be a need to obtain planning permission for the changes of use to highway and public transport purposes.
- 6.8. Changes to traffic flows may require the imposition of Traffic Regulation Orders.
- 6.9. Before determining to appropriate any part of the open space at the Paddock to transportation uses, the appropriation would need to be advertised under s122 of the Local Government Act 1972 and any objections considered.
- 6.10. The scheme has been identified as a project within the three year programme for Chatham. There is the potential that Communities and Local Government funding could be in jeopardy if the scheme is not completed within the three year funding period. In addition, as the funding has been profiled over the next three years any significant slippage could affect the availability of funds during the three year period. Funding will not be available beyond the three year period.
- 6.11 It is anticipated that the costs of land acquisition will be met from CLG grant or developer contribution.

## **7. Recommendations**

- 7.1 That the committee recommend that the Cabinet:
  - i) approve the phase 2 works;
  - ii) approve the final layout for the bus facility, subject to the Council, as landowners, advertising the appropriation of that part of the proposed site currently forming open space to bus facility (and delegate authority to the Director of Regeneration, Community and Culture, in consultation with the Portfolio Holder, to issue the relevant advertisement and consider any objections and determine whether or not to appropriate the land;
  - iii) recommend to Council that the Council makes a Compulsory Purchase Order for the acquisition of any land required for the road scheme which cannot be acquired by negotiation, and
  - iv) delegate authority to the Assistant Director, Housing and Corporate Services, in consultation with the Finance Portfolio Holder, all aspects of estate management of the land acquired, including the grant of short term leases and licences and the surrender or variation of existing interests.

### **Lead officer contact**

Sara Purvis, Chatham Project Manager, Medway Renaissance.  
Tel No: 01634 337155 E-mail: sara.purvis@medway.gov.uk

### **Appendix**

Programme of works – Chatham road scheme



