

The Southampton City Council (Horseshoe Bridge) Compulsory Purchase Order 2010

Statement of Reasons

The Order is made under Section 226 (1)(a) of The Town and Country Planning Act 1990 in respect of the acquisition of land.

1.0 Description of the Land, Location and Present Use

- 1.1 The Order covers approximately 2479 sq m (square metres) of land along side the River Itchen between Horseshoe Bridge and Mount Pleasant Industrial Estate shown pink on the map. The Order land is unoccupied reclaimed land and is adjacent to the rail line which was constructed by Network Rails predecessor.
- 1.2 The area is characterised by the industrial uses and the river environs of the Itchen shoreline and mud flats.

2.0 Explanation of Use of Enabling Power

- 2.1 The Council considers that section 226(1)(a) of the Act is the most appropriate power for compulsory acquisition of the Order land as it is a power of compulsory acquisition to be used where the Order making authority thinks that the acquisition of the land will facilitate the improvement on or in relation to the order land. In considering whether or not to acquire land under this section the Order making authority can only do so if they consider that the improvement is likely to contribute to the achievement of one or more of the objectives in section 226(1A) of the Act. The Order making authority considers that the acquisition of the Order land will improve the environmental well being of the immediate area surrounding the Order land. The land is required to for the purpose of constructing a cycle path as described further in paragraph 3 below.

3.0 The Purpose of the Authority

- 3.1 The purpose of the Authority in making the Order is to achieve the acquisition of an area of land whose ownership is unknown. This land is required to form part of a cycle path within the city under the umbrella of the National Connect2 scheme. National Connect2 is a five year project run by Sustrans. It involves the creation of new cycle and walking routes, bridges and other facilities in 79 locations around the UK. It aims to create new networks of local paths, improve cycling and walking access and to connect local areas. The project is consistent with the City of Southampton Local Transport Plan 2006 - 2011, which aims to encourage more cycling and walking through the

Active Travel Plan. The implementation of a cycle route meets many objectives of the Order making authorities local strategies including the Local Transport Plan, the Community Strategy and the Health and Well Being Partnership. It promotes the economy through modal shift to non car transport modes, healthier and more active lifestyles through high levels of physical activity and also opens up sections of waterfront to walkers and cyclists.

3.2 On theDecember 2009 Cabinet of the Authority resolved to authorise the making of a compulsory purchase order to acquire the land described in the Order

4.0 **The Description of the Proposal**

4.1 The core of the Connect2 project in Southampton relates to the implementation of a cycle way “boardwalk” along side the River Itchen between Horseshoe Bridge St Denys and Northam Industrial Estate. This cycleway will run within the City, the key section from St Denys to Northam. The board walk will be 400 metres long – the overall National cycle route is 9 kilometres. It will link into Southampton Airport to the Town Quay Ferries as well as have a network of links to the City Centre, University, and District Centres.

5.0 **The Need for Compulsory Purchase**

5.1 The Order Land is needed to enable the cycleway route to be completed. The formation of this cycleway is enabled by the Connect2 project. The Connect2 project is supported by the Big Lottery Fund as part of the People Millions project and will be managed by Sustrans. Funding of £450,000 from the Big Lottery Fund has been allocated to Southampton for the construction of the boardwalk. This funding will also be used to fund the costs of land acquisition pursuant to this Order and the payment of any compensation should an owner of the land come forward. A condition of the lottery funding is that the Council must have the land owner’s permission to install the route across their land. The Authority has permission from all land owners of the remaining parts of the cycleway route but has not identified the land owner for the Order land. Without permission from land owners for the entire length of the cycleway, the project can not progress. The land ownership of the Order land is unknown.

5.2 The Authority has, without success, made extensive enquiries to find the owner of the Order Land. These enquiries have taken the following forms:-

- Searches at Land Registry on the land to be acquired.
- Searches at Land Registry on neighbouring land.

- The service of Section 5A Notices (Land Acquisition Act 1981) to all surrounding and neighbouring properties.
- Correspondence with Network Rail and the Crown Estates who confirm they do not own the land

- 5.3 As ownership of the Order Land is unknown, the proposal as described above cannot be implemented unless the acquiring authority is authorised to acquire the Order Land under section 226(1)(a) of the Town and Country Planning Act 1990 (“the Act”) for the purposes of providing a cycleway
- 5.4 Council has considered whether the powers that it seeks to exercise are compatible with the European convention on human rights, in particular article 1 of the First Protocol of the convention. It has concluded that there is a compelling case in the public interest for the acquisition of the Order land, as it will bring benefits to residents of the area and the wider city. This compulsory purchase order follows existing legislative provisions in respect of making and confirming of CPOs and the payment of compensation and, as such, the council considers it to be compatible with the Convention.

6.0 **The Planning Position**

- 6.1 On the 16th March 2009 the Authority, in discharging its statutory duties as Local Planning Authority, resolved to grant planning permission for the construction of the cycleway. The consent was issued on the 20th March 2009. This decision was in accordance with the City of Southampton Local Transport Plan 2006 - 2011, which aims to encourage more cycling and walking through the Active Travel Plan. The implementation of a cycle route meets many objectives of several local strategies including the Local Transport Plan, the Community Strategy and the Health and Well Being Partnership. It promotes the economy through modal shift to non car transport modes, healthier and more active lifestyles through high levels of physical activity and also opens up sections of waterfront to walkers and cyclists. It contributes towards the Southampton Local Development Framework Core Strategy which requires modal shift to in order to deliver growth in the City. This will be adopted by the Council in January 2010.

7.0 **Government Policy Statements**

- 7.1 There are no relevant policy statements applicable to the Order.

8.0 **Special Considerations**

- 8.1 There are no ancient monuments or listed buildings with the Order Land. The order is not within a conservation area. There are no

issues concerning special category land, consecrated land, renewal area, etc.

9.0 Known Obstacles to the Development

9.1 There are no known obstacles to the proposal proceeding.

10.0 The Views of Government Departments

10.1 The proposal is not of a size to have consulted government departments and the construction of the cycleway is in accordance with the Local Plan and the Local Transport Plan and therefore no departure notification was necessary.

11.0 Relocation Proposals

11.1 There is no need to relocate any residents or businesses as the Order land is unoccupied and in unknown ownership.

11.2 Further information can be obtained from the council officer:
Dale Bostock, Highways Division, Tel 023 8083 2366 Email
dale.bostock@southampton.gov.uk

12.0 Related Applications, Orders etc

12.1 There are no related Orders

12.2 Planning permission for the construction of the cycleway has been granted as referred to above.

13.0 Documents, Maps or Plans for any Public Enquiry

13.1 A list of documents etc will be provided in due course and arrangements will be made for them to be available for public inspection.

.....January 2010