

Statement of Reasons

A5036 Park Lane Footbridge Replacement

603234

HE603234-AMEY-SBR-M6-RP-CB-0002

28/09/2021

ameyconsulting



Document Control Sheet

Project Name:	A5036 Park Lane Footbridge Replacement
Project Number:	603234
Report Title:	Statement of Reasons
Report Number	HE603324-AMEY-SBR-M6-RP-CB-0002

Issue Status/Amendment	Prepared	Reviewed	Approved
2.1	Name: Neil Appleton Signature: Date: 19/08/2021	Name: Lee Williams Signature: Date: 20/08/2021	Name: Neil Appleton Signature: Date: 20/08/2021
3.1	Name: Neil Appleton Signature: Date: 28/09/2021	Name: Lee Williams Signature: Date: 28/09/2021	Name: Neil Appleton Signature: Date: 28/09/2021

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1. Introduction

1.1 This Statement of Reasons has been produced in relation to an application by National Highways Limited for a Compulsory Purchase Order to acquire land that is required to implement the A5036 Park Lane Footbridge Replacement Scheme ('the scheme').

The scheme is a replacement of the existing A5036 Park Lane Footbridge. It is located within the Sefton Council local authority area of Bootle, Liverpool. The scheme is situated at Ordnance Survey grid reference coordinates 393340, 395530, approximately 1.5km south-west from the junction of the M57, M58, A5758 and A59.

1.2 The A5036 is part of the National Highways Limited Strategic Road Network. The local road network that adjoins the bridge (inclusive of Park Lane East and West) is maintained by Sefton Council. The A5036 is a primary route into and out of Liverpool and is a key transport corridor. The junction suffers from peak-time congestion.

1.3 The A5036 Park Lane Bridge is a vital piece of infrastructure that connects communities and businesses on both sides of the busy A5036 Dunnings Bridge Road. However, the steep and stepped ramps do not allow use of the bridge by cyclists or wheel chair users. There are no at-grade crossing points at this junction.

1.4 The A5036 Park Lane Footbridge Replacement Scheme, which is described in detailed in Chapter 2 of this Statement, proposes to replace the existing footbridge with a new bridge compliant with current standards. Construction is anticipated to commence in 2022/23 (if all required land is purchased) with a construction period of approximately nine months.

1.5 The scheme requires third party land to the north of the eastbound carriageway and to the south of the westbound carriageway.

1.6 National Highways Limited is the Acquiring Authority for the A5036 Park Lane Footbridge Replacement Scheme Compulsory Purchase Order. The Applicant considers that there is a compelling case in the public interest for both the compulsory acquisition and temporary possession of the land, to secure the necessary land and property interests required to construct, operate and maintain the scheme.

1.7 This Statement of Reasons endeavours to explain the background to the proposal and explain why the land is required to implement the scheme. It is structured as follows:

- Chapter 2 describes the scheme and the powers that are sought;
- Chapter 3 identifies the land that is required for the scheme;
- Chapter 4 describes communications with the affected landowners;
- Chapter 5 describes the need for the scheme;
- Chapter 6 provides a conclusion.

2. Scheme description

2.1 The A5036 Dunning's Bridge Road is a main highway link into and out of Liverpool, linking the city and the Port of Liverpool to the M57 and M58 motorways and beyond.

2.2 The existing A5036 Park Lane Footbridge has been assessed as being sub-standard with low headroom and in poor state of repair. It is in need of urgent repairs to maintain structural integrity and safety of the users.

2.3 The scheme will provide a new footbridge compliant with current design standards including disabled access, facilitating safe-crossing for pedestrians, cyclists and all other non-motorised users connecting communities and providing access to businesses on both sides of the A5036 to all user types.

Consideration of Options

2.4 An options study was completed in 2018 to develop a preferred solution to maintain a pedestrian crossing at the location of the A5036 Park Lane Footbridge.

2.5 A number of options were considered (featured in the National Highways Limited document 'A5036 Park Lane Crossing Preliminary Design Study') which comprised a 'Do-Nothing' option, 'Do Minimum' and 'Do Something' option. The Do Something solution comprised:

Replacement of existing footbridge with an at-grade improvement of the junction to accommodate Non-Motorised Users (NMUs) comprising;

- New controlled toucan crossings over Park Lane and Park Lane West arms;
- New street lighting works;
- Carriageway and footway resurfacing; and
- Improved NMU facilities and associated signing.

This option was discounted following capacity modelling of the junction by Mott McDonald which resulted in 'significant exponential impact on the junction in all scenarios'. BBMM's 'Park Lane Footbridge Options Report' also states that local residents and elected representatives also rejected the installation of pedestrian crossings. Consequently the 'Do Minimum' option was preferred.

2.6 The 'Do Minimum' option comprised:

- Replacement of existing footbridge with new footbridge to accommodate NMU's;
- New street lighting works;
- Carriageway and footway resurfacing; and
- Improved NMU facilities and associated signing and paving details.

This was the preferred option taken forward to detailed design.

2.7 The most significant challenge in providing a fully compliant footbridge at this location was identifying the most suitable position for the new access ramps. Positioning these new ramps within the existing highway areas adjacent to the carriageway was impractical due to the lack of space beyond the required setback of 4.5m from the carriageway and the extensive underground services identified within the adjacent footpaths.

2.8 The possible arrangements of the ramps were identified as three main options as follows:

Option A: Stacked 15m ramps

- Main span position crosses carriageway close to existing bridge;
- Inclusive access from ground level up to the main span is via repeated back and-forth ramps;
- Within the stacked arrangement, four of the seven ramps are directly beneath a ramp above. This option minimises the footprint of the new bridge in terms of its overall length alongside the A5036 but extends closest towards the adjacent buildings on either side of the road.

Option B: Straight 60m ramps back and forth

- Main span position crosses A5036 closer to the junction, above the bottom of the existing stepped ramps;
- Inclusive access from ground level up to the main span is via a single pair of back-and-forth ramps, accessed from the junction on one side, and from near the bus stop on the opposite side;
- Ramps extend between the junction and part of the length of the bus stop. The majority of users would access the bridge from a similar starting point via staircases positioned close to the junction of Park Lane. The ramps extend the furthest distance alongside the A5036;
- This arrangement would minimise the costly and time-consuming statutory undertaker diversions of assets located within the current verge footpaths. Additional statutory undertaker diversions will require alternative routing of pedestrians during construction works, thereby compromising on public health and safety through alternative crossing arrangements as the existing footbridge would need to be closed from much earlier point in the construction programme and for a longer time period.

Option C: Combined straight and spiral ramps

- Main span crosses A5036 above the bus stops, 60m from the junction;
- Inclusive access from ground level up to the main span is via a combination of straight and circular ramps, starting from near the junction on both sides of the A5036;
- Circular ramp positions are based on the availability of clear space away from existing buildings so are not directly opposite each other. The bridge would have a more impressive appearance but provides the greatest deviation from the intended route and increases the risk of schoolchildren interfacing with traffic caused by crossing the road at grade to save time.

Option B was the preferred option taken through to detailed design. This was also the preferred solution of stakeholders as agreed at consultation event held at the Our Lady of Walsingham school on 18th October 2017. The below image is taken from options summary table within the BBMM options report:

**Option B – Straight 60m ramps back and forth
(see drgs. 981076/03/1002 & 1003)**

- Main span position crosses A5036 closer to the junction, above the bottom of the existing stepped ramps
- Inclusive access from ground level up to the main span is via a single pair of back-and-forth ramps, accessed from the junction on one side, and from near the bus stop on the opposite side
- Ramps extend between the junction and part of the length of the bus stop

Preferred solution by stakeholders as agreed at consultation event held at school on 18/10/17.

Scheme Objectives

2.10 The scheme objectives are:

- To replace the existing footbridge with a new bridge compliant with current standards, including compliance with the Disability Discrimination Act;
- To maintain a vital access route across the A5036; allowing local residents and nearby amenity users to access the various leisure and retail facilities located either side of the A5036;
- To improve access for non-motorised users (pedestrians, cyclists and wheelchair users) and provide better connectivity with existing footways and cycleways;
- To maintain and improve safety for non-motorised users, in particular local school children by placing the new bridge as close to the junction as reasonably practicable and thereby encouraging its usage;
- To address the defects on the existing bridge to maintain the structural and safety integrity of the crossing.

3. Identification of land and new rights affected by the scheme

Land required for the scheme

3.1 Please refer to the CPO map accompanying the Compulsory Purchase Order.

3.2 This Statement of Reasons is required because the A5036 Park Lane Footbridge Scheme CPO, if granted, will include powers to:

- acquire land compulsorily;
- create and acquire compulsorily new rights over land;
- extinguish or override existing rights over land; and
- use and possess land temporarily.

Justification for seeking the powers

3.3 For the CPO to be granted, the Secretary of State must be satisfied before making the CPO that the land identified within the Order limits is needed for the development, and that no more land is proposed to be taken than is reasonably required to enable the delivery of the scheme.

3.4 At this stage, all the land included in the Order is considered to be necessary to enable the delivery of the Scheme.

3.5 The Applicant's approach, which combines genuine attempts to acquire land by agreement, in parallel with the planning of a compulsory acquisition timetable as a contingency measure taking action to initiate formal compulsory acquisition procedures, is in accordance with the 2013 DCLG Guidance.

3.6 For the reasons set out in detail in this Statement of Reasons, the Applicant considers that there is a compelling case in the public interest which would justify the use of powers of compulsory acquisition.

Funding

3.7 The approximately £3.5m scheme has been allocated £1.8m funding from the Designated Funds (Integration) and £1.7m from the Capital Structures Renewals budgets for delivery of the Works.

Statutory Undertakers

3.8 All statutory undertakers affected by the scheme have been consulted and where necessary, agreed to, or are in the process of agreeing to, the diversion of their apparatus as part of the scheme.

Human Rights

3.9 This statement considers the impact of the scheme on the human rights of those affected by it. It concludes that whilst there would, as a consequence of the scheme, be interference with such rights, the interference would be entirely lawful, proportionate and justifiable in the circumstances.

4. Communications and negotiations with landowners

- 4.1 The proposed layout of the new footbridge is partly within the existing highway boundary but, due to the size and extent of new bridge ramps, there is a need to acquire land from third parties outside of the existing highway boundary.
- 4.2 The land required for the new footbridge is to the north of the eastbound carriageway and south of the westbound carriageway; beyond the extents of the existing highway.
- 4.3 Three separate landowners have been identified and each one has been contacted formally in writing to request that they enter into an agreement to purchase their land or facilitate an easement, whilst indicating that a separate application for a compulsory purchase would also be made. This has been followed up with contact from the district valuer to agree terms of sale.
- 4.4 Negotiations are currently still ongoing with each of the landowners.

5. Planning policy and the need for the scheme

5.1 The scheme is part of National Highways Limited Designated fund's portfolio as the existing A5036 Park Lane Footbridge has been assessed as being sub-standard with low headroom and in poor state. The deterioration in condition of the footbridge has brought complaints from the local community and MP. As such, this scheme aims to replace the existing bridge to maintain a safe NMU crossing at this location for the local community.

5.2 The scheme is also required in order to provide a fully Disability Discrimination Act (DDA) compliant bridge for all NMUs.

5.3 The scheme is required to improve connectivity across A5036; particularly with regard to integration with existing footways and cycleways.

5.4 Sefton Council requested that a full planning application be undertaken in support of the scheme, including a full public consultation. This has been undertaken and planning application has been approved by Sefton Council, with six relatively minor conditions attached. These conditions will need to be discharged prior to construction works commencing.

6. Conclusion

6.1 Having had regard to all the considerations set out above, the Applicant is satisfied that its proposed use of compulsory acquisition and temporary possession powers is legitimate, necessary and proportionate and that there is a compelling case in the public interest for the granting and subsequent exercise of powers of compulsory acquisition in furtherance of the Scheme.

6.2 Furthermore, as the Applicant's negotiations with landowners and occupiers are ongoing and will be continued throughout the process of seeking development consent for the Scheme, the Applicant's intention is that powers of compulsory acquisition would only be used in circumstances where acquisition by agreement proved impossible. As such, compulsory acquisition would, in the spirit of the 2013 DCLG Guidance, be a tool of last resort.

6.3 In conclusion, the Applicant considers that its application for powers of compulsory acquisition, as included in the Application, meets the conditions set by sections 122(2) and 122(3) of the Act and that there is compelling case in the public interest for powers of compulsory acquisition.