

Cabinet – 25 April 2018

M6 Junction 10 Major Highways Improvement – Development Agreement & Statutory Orders

Portfolio: Councillor Jeavons Regeneration

Related portfolios: N/A

Service: Economy & Environment: Strategic Transportation

Wards: Bentley & Darlaston North, Birchills-Leamore

Key decision: Yes

Forward plan: Yes

1. Summary

- 1.1 The Council has been promoting a highway improvement scheme at M6 Junction 10 for many years and there is considerable public support for the Scheme, as demonstrated by the public consultations undertaken over recent years. The Scheme benefits from a resolution to grant planning permission and, subject to completion of a development agreement, has funding approval. It is vital that the Council acquires the land and rights necessary and uses the powers needed for the construction of the Scheme and its connection with the existing highway network. Making and publishing the Side Roads Order and Compulsory Purchase Order is the next stage in this process.
- 1.2 A Report setting out the background to the Scheme went before Cabinet on 13 December 2017 (“**December Report**”). Following consideration of the December Report, Cabinet made a recommendation approving contact with landowners within the Scheme boundary with a view to confirming owners’/occupiers’ interests and commencing land acquisition negotiations with landowners where title to land and/or rights are required to deliver the Scheme. The Recommendation passed in December also delegated authority to the Executive Director Economy & Environment, in consultation with the Portfolio Holder for Regeneration, to agree final purchase prices and the terms of each acquisition.
- 1.3 It was noted in the December Report that work would commence on the preparation of a draft Side Roads Order (“**SRO**”) and Compulsory Purchase Order (“**CPO**”) potentially required to deliver the Scheme. Work on the draft CPO was necessary as, where it is not possible to acquire all land required to deliver the Scheme by agreement, the Council may need to exercise its powers of compulsory purchase to assemble the site. Guidance contained in Central Government’s “*Compulsory Purchase Process and the Crichel Down Rules*:

Guidance” (“**Guidance**”) document advises that compulsory purchase is intended as a last resort however the formal process should be progressed at the same time as negotiations to avoid lost time in the event that those negotiations break down.

- 1.4 In the meantime, planning application reference 17/0870 (“**Application**”) has been considered by the Local Planning Authority and on 22 March 2018 a resolution was passed to grant planning consent, subject to conditions, in line with the Officer’s recommendation. A decision notice has not yet been issued however is expected imminently.
- 1.5 The formal agreement (“**Development Agreement**”) documenting the allocation of roles and responsibilities for delivery and maintenance of the Scheme, funding for the Scheme, general rights and obligations to be entered into by the Council and Highways England (“**HE**”) as development partners (together, the “**Development Partners**”) delivering the Scheme continues to be negotiated. Heads of Terms setting out amongst other things the Development Partners’ roles and responsibilities, funding arrangements, and the general rights and liabilities of each Development Partner in respect of the Scheme have been agreed.
- 1.6 The Development Agreement will also deal with delegation of highway authority functions between the Development Partners as the Scheme involves works to classified roads and special roads, for which the highway authorities responsible are the Council and HE respectively. HE are progressing their own compulsory purchase order acquiring land adjacent to the strategic highway network (“**HECPO**”) whilst the Council will seek to acquire land needed for the local road network. The HECPO will be made by the Secretary of State for Transport at the same time as the Council makes the CPO and the Development Agreement will confirm that the administrative functions associated with the formal compulsory purchase process will be fulfilled by the Council for both the HECPO and the CPO so that the two work in tandem.
- 1.7 Members were advised in the December Report that work would commence on the preparation of the SRO and CPO required to deliver works to highways and land affected by the Scheme and it was noted that a subsequent approval would be sought if it was necessary to make these statutory orders in order to ensure that the Scheme will be delivered.
- 1.8 This Report is therefore presented to Cabinet seeking authority to advertise and submit for confirmation any SRO required to deliver the Scheme to be made under powers in section 14 of the Highways Act 1980. The Report also seeks authority to finalise the acquisition of land interests affected by the Scheme and alongside this and in the event that negotiations with identified interests do not result in the acquisition of all identified land and rights, the authority to make, advertise and submit for confirmation a CPO to acquire land and rights for the proposed Scheme and associated works and to publish and approve an accompanying Statement of Reasons setting out the justification for making the CPO. Negotiations for land are ongoing at present and even in the event that the CPO is published the Council will continue to negotiate with all identified interests to seek voluntary acquisition or voluntary access rather than compulsory acquisition.

2. Recommendations

Following consideration of the confidential information in the private session of the agenda, the Cabinet will be recommended to:

- 2.1. That Cabinet approve the entering into of a Development Agreement with HE, such agreement to be based upon the Heads of Terms appended to this Report at Appendix 1;
- 2.2. That Cabinet approve the making of any SRO required to deliver the Scheme under Section 14 and Schedule 1 of the Highways Act 1980 ("**1980 Act**") for highway improvements and modifications (described in section 3.24 and appended in draft form at Appendices 2 and 3) needed for the construction of the proposed alterations to the local highway network at M6 Junction 10;
- 2.3. That Cabinet approve the making of a Compulsory Purchase Order under sections 239, 240, 246, 249 and 250 of the 1980 Act to be known as the Walsall Metropolitan Borough Council (M6 Junction 10) Compulsory Purchase Order 2018 for the acquisition of land and new rights within the areas shown on the plan at Appendix 5 ("**Order Land**") necessary to deliver the M6 Junction 10 Scheme;
- 1.4 That Cabinet delegates authority to the Executive Director Economy & Environment, in consultation with the Portfolio Holder for Regeneration, to:
 - 1.4.1 take all necessary steps to negotiate and agree the Development Agreement with HE on the basis set out in this Report and the Heads of Terms at Appendix 1;
 - 1.4.2 take all necessary steps to secure the making, submission for confirmation and implementation of any necessary SRO including (but not limited to) drafting and publishing the Statement of Reasons, the publication, advertisement, notification and service of all notices, the investigation of and response to objections, and the presentation of the Council's case at any Public Inquiry and in the event that the SRO is confirmed by the Secretary of State for Transport ("**Secretary of State**") to advertise such confirmation;
 - 1.4.3 take all necessary steps to secure the making, submission to the Secretary of State for confirmation and implementation of the CPO including (but not limited to) drafting and publishing the Statement of Reasons, the publication, advertisement, notification and service of all notices, the investigation of and response to objections, and the presentation of the Council's case at any Public Inquiry and in the event that the CPO is confirmed by the Secretary of State to advertise such confirmation and then to deal with the vesting of the land in the Council by way of the General Vesting Declaration/Notice to Treat and Notice of Entry process;
 - 1.4.4 negotiate and acquire interests in land and new rights included within the Order Land either by agreement or where acquisition by agreement is not

possible, compulsorily, including in circumstances where the Council's constitutional limit values of £500,000 for freehold acquisitions and £50,000 per annum for leasehold acquisitions are matched or exceeded without the need to revert to Cabinet for a further approval; and

1.4.5 approve agreements with land owners setting out the terms for the withdrawal of objections to the SRO or CPO.

3. Report detail

Background & Current Position

- 3.1. M6 Junction 10 ("**M6 J10**") provides a key gateway to the Black Country Enterprise Zone via the Strategic Road Network ("**SRN**") which connects to the A454 and forms a strategic link between Walsall, the Black Country, Birmingham, and wider West Midlands Region.
- 3.2. The proposed Scheme simultaneously provides for: the continued provision of a motorway junction at M6 J10; the replacement of the existing structures; and, an operational improvement of the junction in terms of both traffic capacity and safety – encompassing not only the widening of the motorway junction from 2 lanes to 4 lanes, but also the associated improvement of adjacent highway infrastructure, such as on A454 (Black Country Route), A454 (Wolverhampton Road), and (B4464 Wolverhampton Road West).
- 3.3. The above design approach provides the needed additional capacity at specific locations, on the junction circulatory and on the two motorway off-slip roads. However, it does so without inducing more significant impacts (that would have been associated with larger proposals for the junction) upon the environment, upon adjacent land use and upon the two electricity pylons to the immediate north-west and south-east of the junction.
- 3.4. During 2012 Walsall Council explored the range and character of feasible options for the improvement of M6 J10. From 2013 through until March 2015 Walsall Council worked in informal partnership with the Highways Agency (now HE) to further explore and agree the optimum design option for the improvement to M6 J10. From April 2015 both organisations entered into a more formal partnership following the confirmation of indicative funding allocations, firstly, from HE's Road Investment Programme ("**RIP**") budget and, secondly, from the Black Country Local Growth Fund ("**BCLGF**") budget from Black Country Local Enterprise Partnership ("**BCLEP**"). Within the total BCLGF allocation was a ring-fenced budget of £29.6m for the M6 J10 project over the five years to March 2020.
- 3.5. The budget that sits with BCLEP is described as 'DfT retained funding'. This is because, although various responsibilities around budget and Scheme approval do sit with BCLEP – and also with HE – the Department for Transport ("**DfT**") have not fully devolved all responsibility from central government on this Scheme as they have done with a large number of smaller Schemes funded by LEP's around the country. Accordingly, DfT retain the final responsibility for budget, and they also retain the option to scrutinise and approve the Scheme should they determine that intervention around any approval is necessary.

- 3.6. Since development work began in 2012 a total of nine reports have been submitted to Cabinet in relation to the Scheme. Seven of these reports confirmed the Council's annual Capital Programme for each financial year from 2012/13 up until the present financial year 2018/19. All of these reports were submitted prior to the start of each relevant financial year and all reports included a precise request for annual budget to facilitate further development work of the Scheme at M6 junction 10. All seven of these reports and their sections relevant to the Scheme at M6 J10 were approved. The eighth report was submitted to Cabinet in October 2013 to seek the approval of £650,000 of internal capital funding to expedite development work in lieu of required further external funding. It was also submitted so as to appraise Cabinet of the early work undertaken and the likely design solution which that work had recommended. The December Report was approved and thus facilitated the commencement of land negotiations and a Request for Information (“Rfi”) process to allow the project partners to actively work towards acquiring all permanent land and temporary rights over land necessary to construct the preferred option.
- 3.7. In July 2014 it was announced by government that as part of the Black Country Growth Deal, funding for the project would be made available, having previously been prioritised by the BCLEP within their Strategic Economic Plan. This equates to £29.65m that is to be routed to the project via BCLEP and Walsall Council. This was to cover expenditure from the start of the project in April 2015 until the end of the construction period. Further to the £29.65m awarded, HE made a commitment within the ‘Road Investment Strategy’ in December 2014, to provide the funding over and above the £29.65m, bringing the total funding for the Scheme to £65m.
- 3.8. In the time since formally starting the Scheme in April 2015 (following on from the above funding allocations) the Council and HE have undertaken work together with a view to developing the Scheme and achieving all of the key high level milestones that must be satisfied before construction work can commence.
- 3.9. The key milestones which we have worked towards are as follows: -
- Securing all required funding;
 - Development of a valid business case;
 - Completion of a legally binding Development Agreement to be entered into by the Council and HE; and
 - Securing all required statutory powers including:
 - Planning consent,
 - Possession of all necessary Scheme land; and
 - Approval of relevant statutory orders.
- 3.10. These milestones are at varying stages of completion and are described in sections 3.11 to 3.14 below.
- 3.11. The December Report advised Members of the progress of the Scheme and provided information about the current programme and spending profile for the Scheme. It also sought authority to make contact with landowners affected by the Scheme. A summary of the contact with affected landowners that has been

made since the recommendations in the December Report were passed is set out below.

- 3.12. In the meantime the Scheme progressed to the end of Stage 3 of HE's Project Control Framework ("**PCF**") – which defines and manages the lifecycle of major projects – in late January 2018. As noted in the December Report, the Business Case for the Scheme represents 'Very High' value for money under HM Treasury Green Book Guidance on major transport schemes. Upon reaching the end of PCF Stage 3 the Scheme and its Business Case were assessed as part of the Stage Gate Assessment Review 3 ("**SGAR3**"). The Scheme passed SGAR3 at the end of January 2018, having been approved by two tiers of authority at HE, namely the Transport Planning Group and the Senior Responsible Officer for the Scheme.
- 3.13. The Council has received annual development funding from the DfT retained funding of £650k, £350k and £120k in the financial years 2015/16 to 2017/18 respectively. The Scheme formally entered PCF Stage 4 on 1st February 2018, following a successful Stage Gate Assessment Review for PCF Stage 3 on 31st January 2018. PCF Stage 4 is the PCF stage that is formally concerned with any land acquisition and/or any statutory orders that are required for a scheme. This milestone did not formally trigger the release of funding that can be used. We will not have DfT money to spend on land acquisition until we achieve 'Full Approval' with DfT at the end of PCF Stage 4. The funds for land acquisition (part of the project delivery budget (i.e. construction funding)) will only be released to the Council once HE have signed-off the project at the end-of-stage Stage Gate Assessment Review ("**SGAR**") for PCF Stage 4. The above arrangement regarding the funding of land acquisition was agreed with the Department for Transport in March 2018. In the interim and until that funding becomes available, the Council has agreed to cashflow land acquisition costs and has the funds available for this.
- 3.14. A statement of the scheme's planning position is provided at sections 3.41 and 3.42. Briefly, a resolution to grant planning permission for the Scheme pursuant to the Application was passed by the Council as Local Planning Authority on 22 March 2018. The conditions to be attached to the permission are currently being finalised and a decision notice will be issued shortly.

Development Agreement

- 3.15. Work has also been ongoing to agree the terms of a Development Agreement between the Council and HE, which will formally set out the role of both Development Partners for the remainder of the Scheme. The Development Agreement has not yet been finalised however
- 3.16. As noted above, the Scheme is being developed and implemented in line with HE's PCF and is currently in Stage 4 'Statutory Procedures & Powers'. HE intends to let a 'Design & Build' ("**D&B**") contract through their Collaborative Delivery Framework for PCF Stage 5 'Construction Preparation' and Stage 6 'Construction, Commissioning & Handover'. The first key milestone in this process will be the award of this contract in early-October 2018 at the successful conclusion of Stage 4 (for the 'No Public Inquiry' programme

scenario – this would obviously be at a later date if a local public inquiry were required in relation to the CPOs).

3.17. In order for a contract to be entered into with one of its suppliers by early-October 2018, HE must start the procurement process by late-May 2018. In order to do this, HE requires that a legally-binding agreement must have been entered into with Walsall Council before the start of procurement, such that HE and the Council can have confidence of both partners' commitment to the project; the availability of funding; the respective roles of the partners for the remaining project stages; and a clear understanding of the risks and opportunities each party will bear.

3.18. The Development Agreement has not yet been finalised, however Heads of Terms have been agreed and are appended to this report at **Confidential Appendix 1**. These set out the core principles around which a full Development Agreement is currently being drafted. They have been agreed by the senior officers and Project Board members in each of the three funding organisations, namely: -

- Simon Neilson, Executive Director, Walsall Council;
- Stuart Everton, Black Country Director of Transport, Black Country LEP; and
- Paul Cockell, Senior Responsible Officer, Highways England.

3.19. Broadly the Heads of Terms provide that the cost and risk of delivering the Scheme will be shared on a 50:50 basis between the Development Partners.

3.20. It is proposed that Cabinet agrees to delegate authority to the Executive Director – Economy & Environment, and in consultation with the Portfolio Holder for Regeneration, to sign the Development Agreement on behalf of the Council, on the provision that the Development Agreement when entered into accords with the Heads of Terms - summarised in this Report and attached in full at **Confidential Appendix 1**.

Land Acquisition and Statutory Orders

3.21. Members were also advised in the December Report that work would commence on the preparation of an SRO and CPO for the Scheme. An SRO authorises a highway authority to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of another road. The powers in the Highways Act 1980 extend to works being carried out on highways which will be "otherwise affected" by the construction of another road.

3.22. As the Scheme has developed and advice has been taken from leading counsel the question has been raised as to whether the SRO should be made by HE and wrapped up as part of the Special Roads Order to be made by HE under powers in sections 16 and 18 of the 1980 Act to enable HE to not only carry out works to the strategic highways network but also to the local highway network. The position has yet to be agreed by the Development Partners however the principle of the need for an SRO remains.

3.23. If the SRO is to be made by the Council it will be made under powers in section 14 and Schedule 1 of the 1980 Act to:

- stop up, improve, divert, raise, lower or alter lengths of highway that cross or enter the route of a classified road or is or will be otherwise affected by the construction of the road; and
- construct new highways for purposes concerned with any such alterations or for any other purposes connected with the road or its construction and to close after such period as may be provided in the SRO any new highway so constructed for temporary purposes.

3.24. The SRO will authorise the ancillary works to the local highway network set out at Appendix 2 and Appendix 3 and will enable the Council to connect the altered and improved highways into the existing local highway network. The roads to be included within the SRO are as follows: Black Country Route (A454), Wolverhampton Road (A454), Wolverhampton Road West (B4464), Bloxwich Lane, Tempus Drive and the bellmouth junction of Arnwood Close and Wolverhampton Road West (B4464).

3.25. It is also necessary to simultaneously progress a CPO under powers in sections 239, 240, 246, 249 and 250 of the 1980 Act and the Acquisition of Land Act 1981. These powers justify the following:

- The acquisition of land required for the construction of new highway (s239);
- The acquisition of land in connection with an SRO (s240);
- The acquisition of land required to mitigate the adverse effects of the existence or use of a highway on the surrounding area (s246);
- The distance limits from the highway applicable to compulsory acquisition (s249); and
- The acquisition of new rights by the creation of new rights (s250).

3.26. The CPO will provide the Council with certainty that, should negotiations with affected landowners on acquisitions by agreement break down, it will be able to acquire the land and new rights required to deliver the Scheme, subject to confirmation of the CPO by the Secretary of State. Guidance provides that compulsory purchase:

“...is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:

- *plan a compulsory purchase timetable as a contingency measure; and*
- *initiate formal procedures.”*

3.27. Accordingly in parallel with the development and making of the CPO, negotiations will continue to be undertaken by the Council and its agents with affected landowners to seek to acquire all land and rights needed for the Scheme by agreement.

3.28. A draft SRO and CPO have been prepared, together with a draft Statement of Reasons. Whilst not a statutory requirement, Guidance recommends that acquiring authorities prepare a Statement of Reasons when making any CPO. The purpose of this document is to explain the acquiring authority's reasons and justification for making the CPO. The current draft of the Statement of Reasons is a work in progress between the Development Partners and will be finalised in accordance with the terms of the Recommendations before the CPO is made.

3.29. The draft SRO and CPO are also appended to this Report and will be made in substantially the same form as appended, subject to any necessary amendments made pursuant to the Recommendations. Members should however note that the extent of the land to be included in the CPO boundary will not be increased. Draft documents are appended as follows:

- Appendix 2 – Draft SRO
- Appendix 3 – Draft SRO Plans
- Appendix 4 – Draft CPO
- Appendix 5 – Draft CPO Plan

3.30. Under the provisions of section 14 and Schedule 1 of the 1980 Act highway authorities, in this case Walsall Metropolitan Borough Council, can be authorised under the provisions of an SRO to undertake works.

3.31. Pursuant to section 14(6) of the 1980 Act, no SRO authorising the stopping up of a highway shall be made or confirmed by the Secretary of State unless he is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up. For the Scheme, the stopping up powers in the SRO will not be implemented until the replacement bridges are completed and open to traffic. The junction will not be closed for the duration of the works. For the majority of the works the junction will remain open to traffic, albeit with traffic management measures in place so as to ensure that the works take place in a safe and efficient manner. The new bridges will be built first and they will then be opened to traffic. This will happen before the existing bridges are closed and then demolished. Traffic will therefore use the existing bridges whilst the new bridges are being built and will then use the new bridges for the remainder of the construction period and whilst the existing bridges are being demolished. However, a number of longer closures of the Junction will be required. It is anticipated that these will be weekend closures and will likely take place during the most intensive periods of the works when the new bridge beams are lowered into place and when the existing bridges are demolished. When these closures are required, how many are required and how long they will last is as yet unknown. These details will be determined by the works contractor once they have been appointed. The timing and duration of these closures are not yet known however will become clear once a contractor is appointed.

3.32. Pursuant to sections 239, 240, 246, 249 and 250 of the 1980 Act and the Acquisition of Land Act 1981 highway authorities such as Walsall Metropolitan Borough Council can be authorised under the provisions of a CPO to compulsorily acquire land and acquire rights compulsorily by creating new rights. The CPO required to deliver the Scheme will fulfil the following purposes:

- the construction of two new bridges connecting the A454 Black Country Route with the A454 Wolverhampton Road at M6 J10;
- the construction of highways to connect the A454 Black Country Route and A454 Wolverhampton Road with the existing road system at M6 J10;
- the improvement of the following existing highways:
 - The Black Country Route (A454)
 - Wolverhampton Road (A454)
 - Wolverhampton Road West (B4464); and
 - Bloxwich Lane
- use of land by the acquiring authority for site compounds in connection with the construction and improvement of highways as aforesaid; and
- mitigation of the adverse effects that the existence or use of the highways will have on the surroundings thereof by the provision of air quality and noise mitigation measures, landscaping, ecological and vegetation works, habitat protection measures, temporary storage of construction waste and soils, temporary storage of construction aggregates, temporary storage of construction works equipment, construction of acoustic barriers, construction earthworks, drainage works, reinstatement and traffic management works.

3.33. Accordingly the CPO will, subject to confirmation by the Secretary of State, empower the Council to acquire land and rights required for the construction and maintenance of the Scheme and associated works, and to enable the new highway to be linked into the existing highway network pursuant to the SRO.

Description of Order Land

3.34. The Order Land has a total area of 1.8 hectares. This comprises 0.8 hectares of land for which Title to the land is required and 1.0 hectares for which Rights over land are required for the purposes of construction activities and of access by site operatives, plant and materials.

3.35. The Plan at Appendix 5 shows the Order Land, which is shaded either pink or blue. The Pink land is land to which title will need to be acquired by the Council, either by agreement or compulsorily should the CPO be confirmed. Land shaded blue is land over which the Council requires permanent rights. Plots will be renumbered prior to the publication of any compulsory purchase order.

3.36. The Order Land is in a variety of ownerships, including those of commercial organisations and private individuals. Some land is in residential ownership however the land permanently required for the Scheme does not affect any buildings occupied as residences. A comprehensive schedule of ownerships and rights has been prepared and will form the Schedule to the CPO. A draft of the Schedule of interests is at Confidential Appendix 6. Considerable efforts have been made to identify those who have an interest in the land and rights to be compulsorily acquired, including (but not limited to) serving statutory notices

on the land owners, tenants and occupiers checking Council Tax and Business Rates records and checking the Electoral Register in an effort to seek to agree the voluntary acquisition of all interests required to deliver the Scheme. Efforts to achieve voluntary acquisition will continue throughout the compulsory acquisition process.

- 3.37. The Council and its appointed representatives are continuing negotiations with all currently identified parties with affected land interests and will continue to do so even in circumstances where a decision to proceed with the making and publication of the CPO is made.
- 3.38. If the Development Partners are able to reach voluntary and negotiated agreements with all affected parties then no CPO will be made. If it is not possible to negotiate acquisitions by agreement with all parties then a decision will be taken by the Development Partners as to whether the CPO and the HECPO should be made. This decision will not be taken until after the issue of planning permission pursuant to the Application. Both Development Partners will need to publish their respective statutory orders in the event that these are needed. Draft plans for those two separate but coordinated orders are shown at Appendix 8 (The CPO) and Appendix 9 (The HECPO). Note that the Draft Schedule of Interests at Confidential Appendix 6 currently reflects the Order Land plan shown at Appendix 5. Between the time that this Report is considered by Cabinet and when statutory orders, if required, are published, the Draft Schedule of Interests shown at confidential Appendix 6 will be refined to reflect the splitting of the CPO and HECPO shown at Appendix 8 and Appendix 9. The PCE shown at Appendix 7 will also be revised in between the time that this Report is reviewed by Cabinet and the publication, if necessary, of orders, apportioning land acquisition costs between the Development Partners..
- 3.39. Regardless of the outcome of negotiations with affected parties, other identified orders will be published. Either Walsall Council will publish an SRO and HE will publish the Special Roads Order which may or may not have side roads order elements as set out in section 3.22 above.

Site compound

- 3.40. There were two site compound options identified within the supporting documents accompanying the Application. One site compound option has now been disregarded and negotiations to agree temporary acquisition of the remaining site compound option are ongoing with the landowner.

Statement of Planning Position

- 3.41. The Scheme is consistent with national planning policy, the policies of the Black Country Joint Core Strategy, the objectives of the West Midlands Local Transport Plan, the Saved Policies of the Council's Unitary Development Plan Walsall's emerging Site Allocation Document.
- 3.42. A resolution to grant planning permission for the Scheme pursuant to the Application was passed by the Council as Local Planning Authority on 22 March 2018 in line with Officer's recommendation. The conditions to be attached to

the planning permission are currently being finalised and a decision notice will be issued shortly.

Special Considerations Affecting the Order Land

- 3.43. There are no ancient monuments or listed buildings in the Order Land. There are no buildings in a conservation area that would be demolished. The Scheme does not require any land owned by the National Trust or any common land.

Human Rights Act 1998

- 3.44. It is acknowledged that the compulsory acquisition of the Order Land could amount to an interference with the human rights of those with an interest in the Order Land. These include rights under Article 1 of the First Protocol of the European Convention on Human Rights (“**ECHR**”) (which provides that every natural or legal person is entitled to the peaceful enjoyment of his possessions) and Article 8 of the ECHR (which provides that everyone has the right to respect for his private and family life, his home and his correspondence).
- 3.45. The Human Rights Act 1998 introduces the principles of the ECHR into domestic law and places direct obligations relating to the human rights of individuals onto public bodies such as the Council.
- 3.46. In this instance the Council considers that there is a compelling case in the public interest for compulsory acquisition of the Order Land that should outweigh the rights of affected landowners, and therefore the use of compulsory purchase powers in this matter is proportionate. Without the use of these powers, it is possible that all of the land necessary to deliver the Scheme may not be made available within a reasonable timescale, which would compromise the delivery of the Scheme and the extensive benefits for both local residents and travellers using the highway network around M6 J10 and in the wider West Midlands region.

Land Valuation

- 3.47. An estimate of the land valuation for all the land included within the CPO is available and is included within this report at Confidential Appendix 7. The Scheme budget will cover all land acquisition costs.

Highways England

- 3.48. Officers are continuing to negotiate the Development Agreement with HE which will provide, amongst other things, for the detailed funding arrangements and delivery of construction of the Scheme.
- 3.49. Whilst certain land interests within the scheme are required for alterations to the highway for which the Council is the Highways Authority there are certain other land interests within the scheme that are required for alterations to highway for which HE is Highways Authority. Just as the Council will attempt to acquire by agreement that land that relates to it's network, so too will HE attempt to acquire that land that relates to it's network. Once the land required for the latter – the alterations to HE's highway network – has been acquired and the Scheme

delivered, it is intended that this land will become part of the highway network for which HE is responsible. The need for this land is now critical, hence HE are now progressing their own CPO and Special Roads Order under section 16 of the 1980 Act. The section 16 order may include an SRO under section 18 of the 1980 Act as is noted in section 3.22 above. These statutory orders will allow HE to deliver the elements of the Scheme relating to alterations to the strategic highway network, for which they are the relevant highway authority.

3.50. HE will make their statutory orders simultaneously with the Council, so that all orders will be considered collectively (i.e. together with any SRO made by the Council and the Council's CPO) by the Secretary of State.

Scheme Programme

3.51. If no objections are made to the CPO or SRO and the Secretary of State is satisfied that the proper procedure for serving and publishing notices has been observed he will consider the case on its merits. The Secretary of State can then confirm, modify or reject the CPO without the need for any form of hearing. If objections are received and not withdrawn, the Secretary of State will either arrange for a public local inquiry to be held or, where all remaining objectors and the acquiring authority agree, consider the objections via the written representations procedure.

3.52. If no inquiry/written representations procedure is required to approve the CPO and SRO, works on the Order Land are expected to start in Spring 2019. However, if an inquiry is required it is anticipated that this would delay commencement of the Scheme by approximately 9-12 months.

3.53. If the Orders are confirmed it is anticipated that the CPO powers will be exercised as soon as possible following expiry of statutory time limits flowing from advertisement of a confirmed CPO i.e. within three months of publishing notice of confirmation of the CPO.

3.54. The construction works will take approximately 98 weeks to complete, in accordance with the Scheme's current construction programme.

3.55. The works programme will become clearer when HE appoint a construction contractor to deliver the Scheme. The contractor will undertake an enhanced assessment of the likely construction duration and confirm the position. Work is currently being undertaken by HE to prepare for procurement and for the releasing of a tender to market. That tender to market is expected to be released during Spring 2018 with the contractor being appointed in Autumn 2018.

4. Council Corporate Plan priorities

4.1. The Scheme supports the Council's vision that 'Inequalities are reduced and all potential is maximised' outlined in the Corporate Plan 2018 – 2021. Further, it underpins delivery against the Council's priorities, including: -

4.1.1. Economic growth for all people, communities and businesses;

- 4.1.2. People have increased independence, improved health, and can positively contribute to their communities;
- 4.1.3. Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion.
- 4.2. Improving the safety of the transport network and the security of people using the network are important considerations in the development and delivery of the Scheme.
- 4.3. Environmental and safety factors are considered in the development and delivery of the Scheme. Care has been taken in the preliminary design of the Scheme to minimise direct impacts on the local environment. An Environmental Impact Assessment was carried out and the results and recommendations of this are shown in the Scheme's Environmental Statement which was submitted to the Council as Local Planning Authority together with the Application.

5. Risk management

- 5.1. The following risks / risk management should be noted.
- 5.2. If negotiations for required land are not successful then the Development Partners will need to fall back on the powers contained in the CPO, provided the CPO is confirmed by the Secretary of State. If the CPO is not confirmed by the Secretary of State then the Scheme cannot proceed.
- 5.3. With the exception of land that is subject to a valid 'blight notice', any risks associated with potential abortive land acquisition costs will be mitigated by neither completing purchases nor transferring purchase monies until the Development Agreement with HE has been entered into. Such acquisitions will be conditional upon the confirmation of the CPO.
- 5.4. As noted above, affected landowners may also be able to serve statutory 'blight notices' requiring that the Council acquire their property at its unblighted market value. Should Cabinet approve this Report and recommendations parties with an interest in the Order Land may be entitled to serve a blight notice on the Council requiring that the Council acquire that interest at an 'unblighted price', being its market value. Where a blight notice is served by any party in relation to land affected by the Scheme the Council will determine whether the notice is valid and confirm whether the land is blighted under the statutory definition at section 149 of the Town and Country Planning Act 1990. If the Council does not require the land for the Scheme consideration will be given as to whether to serve a counter-notice. The Council will take advice at all times from its external consultants. Where a blight notice is validly served, the cost will be met from the project budget although there are risks that Walsall Council will need to seek additional funding in the event land costs exceed the value of the estimate included in the End of Stage 4 forecast (see 6.8 for details).
- 5.5. There is also future possibility that the business case will need to be revalidated at both subsequent PCF stages prior to construction (namely PCF Stage 4 and PCF Stage 5) and that this revalidation process could delay or stop the scheme.

The need for revalidation and review is a risk of moderate likelihood, as is the risk that this could slightly delay the scheme. The risk that this revalidation and review could stop the scheme is low, but subject to possible unknown future changes such as the scheme cost.

- 5.6. Although the scheme's funding package provides funding significantly in excess of the total land costs, this funding package cannot be used to purchase land until the project has received "Full Approval" status by HE, anticipated to be in September 2018 at the end of PCF Stage 4. If Full Approval status is achieved at a later date and all other non-DfT funding sources have been fully spent then the Council may be required to cash-flow remaining land acquisition costs until Full Approval has been received. This risk associated with funding land prior to obtaining funding approval is considered to be remote given that all HE gateway reviews have been passed thus far and also given the strength of the business case and the fact that this is a strategically important Scheme for the Black Country.

6. Financial implications

Development Agreement

- 6.1. The funding package comprising the Development Agreement, BCLEP funding and Walsall Council funding is sufficient to meet the construction and land acquisition cost forecast as at the date of this Report. This is based on an end of Stage 3 cost estimate prepared by HE in December 2017 to reflect the finalisation of the preliminary design; updated land and utilities diversions costs; and a revised construction programme.
- 6.2. A further cost estimate will be completed by HE when the target price for the D&B Contract and the requirement for Public Inquiry are known at the end of Stage 4 (Autumn 2018). As prices will be based on returned tenders the cost forecast will be more accurate than that produced in December 2017.

7. Legal implications

- 7.1. The Council can acquire sites as it sees fit pursuant to voluntary agreements but it must make sure that it acts reasonably in doing so and that it meets its fiduciary responsibility to the tax payer to ensure best value.
- 7.2. All legal support is being provided by the external Legal Advisors already engaged in the project.
- 7.3. All land transactions, irrespective of whether the agreed valuation is above or below the stipulated thresholds in the Council's constitution, will be reviewed and approved by the Executive Director Economy & Environment, in consultation with the Portfolio Holder for Regeneration, as set out in the recommendations of this report. Similarly the terms for any agreed withdrawal of objections to the SRO – or should it be published the CPO – will be reviewed and approved by the same officer of the Council.

8. Procurement Implications/Social Value (if applicable/remove if not)

- 8.1. There are no direct procurement or social value implications arising from this report.

9. Property implications

- 9.1. The proposal includes the acquisition of land not within either Development Partner's ownership. The Plots vary in size and whereas some will be acquired permanently others will be acquired temporarily. All land is essential to facilitate the delivery of the highway improvements Scheme.
- 9.2. Note that due to the fact that the Development Partners have highway land within the Scheme boundary, some of the plots to be acquired for the Scheme will be acquired by the Council whereas others will be acquired by HE. Appendix 5 shows the extent of the land necessary for the Scheme as such land will be acquired by each of the Development Partners. However, the total land shown in Appendix 5 will be split with each partner acquiring certain areas of land. The Council will acquire all required land adjacent to the highway network for which it is responsible highway authority, as it would were it developing a Scheme for which it was the sole relevant highway authority. Similarly the intention is that HE will acquire all required land adjacent to the highway network for which it is the strategic highway company. Therefore the areas of land within Appendix 5 that are to be acquired specifically by the Council are shown in Appendix 8 and the areas of land to be acquired specifically by HE are shown in Appendix 9.
- 9.3. For those plots of land acquired permanently by the Council there will be ongoing responsibilities upon the Council as both land owner and highway authority. These will include but not be limited to maintaining existing site security and boundaries, and the carrying out of general maintenance e.g. hedge trimming once the Scheme is completed.

10. Health and wellbeing implications

- 10.1. There are no direct health and well being implications arising from this Report.

11. Staffing implications

- 11.1. The site acquisition will be progressed by the Strategic Transportation team within Walsall Council, with external advisers supporting it's work. .
- 11.2. The CPO and SRO ("**Orders**") are being advertised and statutory notices served by external consultants. After the Orders have been made, in the event of objections to the confirmation of the Orders being received, it will be necessary to prepare evidence in support of the Orders to be presented to any Public Inquiry. The nature of the evidence required will not be clear until such time as objections are received however it is reasonable to assume that

evidence relating to the justification for making the Orders and considering the design and background to the Scheme will be necessary. In this regard it is contemplated that the Council's Head of Regeneration and Development and or the Council's Transportation Major Projects & Strategy Manager will provide expert evidence to the Inquiry.

- 11.3. There will be a need to commit staff resources to support Scheme delivery once the land is acquired. The project will continue to be led by Strategic Transportation in partnership with HE and in consultation as required with other teams within the Council, particularly teams within the Council's functions as Highway Authority and as Planning Authority, including but not limited to Road Safety, Urban Traffic Control, Highways Asset Management, Pollution Control and Development Management. The role of those teams within the Council that will be involved will be to review the progress of the construction period and to make representations to HE regarding those works as carried out by HE's works contractor.

12. Reducing inequalities

- 12.1. There are no immediate equality implications arising from this report. Equality analysis, legal requirements and good practice issues will be considered throughout the delivery stage, and will include engagement and consultation when needed.
- 12.2. The scheme has the potential to benefit all sections of the community, through helping provide improved access to nearby employment development sites, especially those located in the Darlaston Enterprise Zone; retaining jobs at key employers located close to the junction, along the A454 Black Country Route and in Walsall town centre; promoting further investment in the Walsall economy; reducing the impacts of congestion by making the road network more free-flowing and resilient; and allowing pedestrians and cyclists to make safer journeys across the junction, improving their experience at this location generally.
- 12.3. The scheme is a key project for the Black Country Local Enterprise Partnership and is located on part of Walsall's Key Route Network, which is made up of the most economically important roads in the Borough. Because of the positive economic and wider social impacts of the proposed scheme, it is widely supported by stakeholders across the Black Country and West Midlands. Local people and businesses stand to benefit from the transport and economic benefits it will create.

13. Consultation

- 13.1. Officers within Strategic Transportation provide regular progress and monitoring updates regarding the project to the Portfolio Holder, M6 Junction Project Board, Local Enterprise Partnership and Government agencies, as well as ward Member briefings as required.

- 13.2. Approval was granted at Cabinet on 15 March 2017 to deliver the Transport Capital Programme 2017/18 of which M6 junction 10 highway improvements is a named scheme recognised for its significant importance.
- 13.3. The December Report set out consultation undertaken up to the date of the Cabinet meeting at which it was considered. The December Report also authorised contact being made with affected landowners within the Order Land to ascertain the identity of parties with an interest in that land over and above the information that can be obtained via desktop search. This information is required in order that the Council can seek to acquire the Order Land by agreement.
- 13.4. Accordingly, on 22 January 2018, Land Referencing Services (“LRS”) wrote to affected landowners seeking further information as to their interest in the Order Land. Enclosed with that letter was an Rfl, being a statutory notice, served under powers contained in section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and a Land Interest Questionnaire which the affected landowner was asked to complete and return to LRS. Affected landowners were given 21 days to respond, 7 days more than the statutory minimum 14 day period.
- 13.5. LRS visited the Order Land on 15 February 2018 and spoke with affected landowners. A reminder letter was sent out by LRS on 13 February 2018, 14 days into the 21 day response period. The reminder asked affected landowners to respond to the Rfl as soon as possible and in any event within the 21 day period.
- 13.6. The Council received responses to 50% of the Rfls sent out. A further letter was sent by LRS to parties yet to respond enclosing another copy of the Rfl and Land Interest Questionnaire and giving parties an additional window within which to respond within and allowing them until 14 March 2018 to return the Rfl. LRS carried out a further site visit to the Order Land on 13 March 2018 at 3.00pm onwards, a different time to the scheduling of their previous site visit.
- 13.7. Since January LSH have been in contact with affected landowners and other affected interests. This has been to discuss with affected parties the possibility of acquisition by agreement and, where possible, to discuss the terms of potential acquisitions by agreement. Initial contact with some affected interests was made following those affected interests’ receipt of the letter from LRS on 22 January 2018.
- 13.8. In order to assist in making further contact with affected parties an initial letter from LSH was sent subsequently once a greater degree of certainty had been reached in relation to the identity of affected parties, on 22 March 2018. All relevant landowners have been contacted and meetings have been arranged with some affected parties.
- 13.9. It is expected that LSH will shortly arrange meetings with the residents of Arnwood Close who are affected by the scheme’s land requirements. These residents are named in the schedule to the orders to the extent that they own the adjoining half width of public highway abutting their property but, for the large part, their properties are not required for the Scheme. The only residents

within the Scheme whose property will be affected by the Scheme's land requirements are the residents of 2 Arnwood Close, from whom we need to secure only temporary access to a small strip of land for which they are the freeholder and which is on the public highway side of their garden fence.

Appendices

- Appendix 1 – **CONFIDENTIAL** - Heads of Terms for Development Agreement;
- Appendix 2 – Draft SRO
- Appendix 3 – Draft SRO Plans
- Appendix 4 – Draft CPO
- Appendix 5 – Order Land
- Appendix 6 – **CONFIDENTIAL** - Draft Schedule of Interests
- Appendix 7 – **CONFIDENTIAL** - Property Cost Estimate (PCE)
- Appendix 8 – Draft CPO Plan
- Appendix 9 – Draft HECPO Plan

Background papers

Author

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✉ steven.edwards@walsall.gov.uk



Simon Neilson
Executive Director Economy & Environment

20 April 2018



Councillor Lee Jeavons
Portfolio holder

20 April 2018

DRAFT

HIGHWAYS ACT 1980

**THE WALSALL METROPOLITAN BOROUGH COUNCIL (M6 JUNCTION 10) A454 BLACK COUNTRY ROUTE TO
WOLVERHAMPTON ROAD (SIDE ROADS) ORDER 2018**

The Council make this Order in exercise of their powers in section 14 of the Highways Act 1980 and all other powers enabling them in that behalf:—

1. (1) The Council are authorised in relation to the classified road at Junction 10 of the M6 in the Metropolitan Borough of Walsall:
 - (a) improve the lengths of highway named in the Schedules and shown on the corresponding Site Plan by cross hatching;
 - (b) stop up each length of highway described in the Schedules and shown on the corresponding Site Plan by zebra hatching;
 - (c) [construct a new highway along [the][each] route whose centre line is shown on a Site Plan by an unbroken black line surrounded by stipple;
 - (d) stop up [the] [each] private means of access to premises described in the Schedules and shown on the corresponding Site Plan by a solid black band; and
 - (e) provide new means of access to premises along [[the][each] route] [or] [at [the][each] location] shown on a Site Plan by thin diagonal hatching.]
 - (2) Where a new highway is to be constructed [wholly or partly] along the same route as a new access [or part of one], that new highway shall be created subject to the private rights over that new access.
 - (3) Each new highway is given a reference letter on a Site Plan, which is also placed in the respective Schedule, and will be a road [unless the word [“footpath”, “bridleway” or “cycle track” appears beneath its reference letter in that Schedule, in which case it will be a [footpath, bridleway or cycle track] [(as the case may be)]]; Each new access is given a number on a Site Plan, which is also placed in the respective Schedule.
 - (4) Where a new highway is to be constructed or a new access is to be provided in connection with the stopping up of a length of highway or private means of access described in a Schedule, its reference letter or number (as the case may be) is placed in that Schedule opposite the description of that length.
 - (5) Each Site Plan shows the works indicated in the respective Schedule and has the same number as that Schedule, and the route of the classified road in relation to those works.
2. [The new highway[s] given the reference letters].... [&....] in Schedule and Site Plan numbered [and [&....] in Schedule and Site Plan numbered] with [in each case] the words “temporary highway” placed in brackets beneath, [is a] [are] highways] to be constructed for temporary purposes, and the Council are authorised to close [that] [each] temporary highway at the end of seven days from posting notices at each end of the temporary highway [concerned] to indicate that it is no longer needed for public use.]

3. Where immediately before a length of highway is stopped up in pursuance of this Order there is under, in, on, over, along or across that highway any apparatus of statutory undertakers or any telecommunications code system operator, then, subject to, section 21 of the Highways Act 1980 those undertakers, or that operator as the case may be, shall have the same rights as respect that apparatus as they had immediately before the stopping up took place.

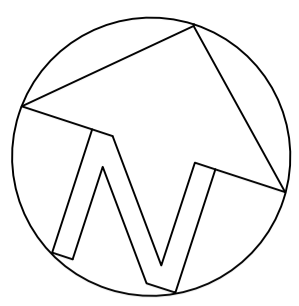
4. In this Order

(a) distances are measured along the route of the relevant highway [or private means of access to premises, as the case may be];

(b) a reference to the Schedule or Site Plan number is a reference to the Schedule, or to the Site Plan, so numbered:

(c)

- “the classified road ”
- means the highway which the Council propose to construct from [xxx] to [xxx]
 - [and which is a highway/proposed highway which has been classified by the Secretary of State for Transport as a principal road for purposes of the enactments and instruments which refer to highways classified as principal roads.]
 - [and which is a highway/proposed highway which is a classified road in accordance with section 12 of the Highways Act 1980];
 - [and which is a highway/proposed highway which is a classified road in accordance with section 12 of the Highways Act 1980];
- “the Council”
- means the Walsall Metropolitan Borough Council;
- “improvement”
- in relation to a highway includes raising, lowering or otherwise altering that highway and “improved” shall be construed accordingly;
- “new access”
- means a means of access to premises authorized by this Order to be provided;
- “new highway”
- means a highway authorized by this Order to be constructed and “new highways” shall be construed accordingly;
- “Schedule”
- means a Schedule to this Order, and “Schedules” shall be construed accordingly;
- “Site Plan”
- means one of the plans numbered ...to...contained in the Plan Folio numbered...marked “The Walsall Metropolitan Borough Council (M6 Junction 10) A454 Black Country Route to Wolverhampton Road (Side Roads) Order 2018” sealed with the Common Seal of the Council and deposited at the offices of the Council at [...]; a duplicate has been deposited in the Offices of the Secretary of Sate for Transport



THE WALSALL METROPOLITAN BOROUGH COUNCIL

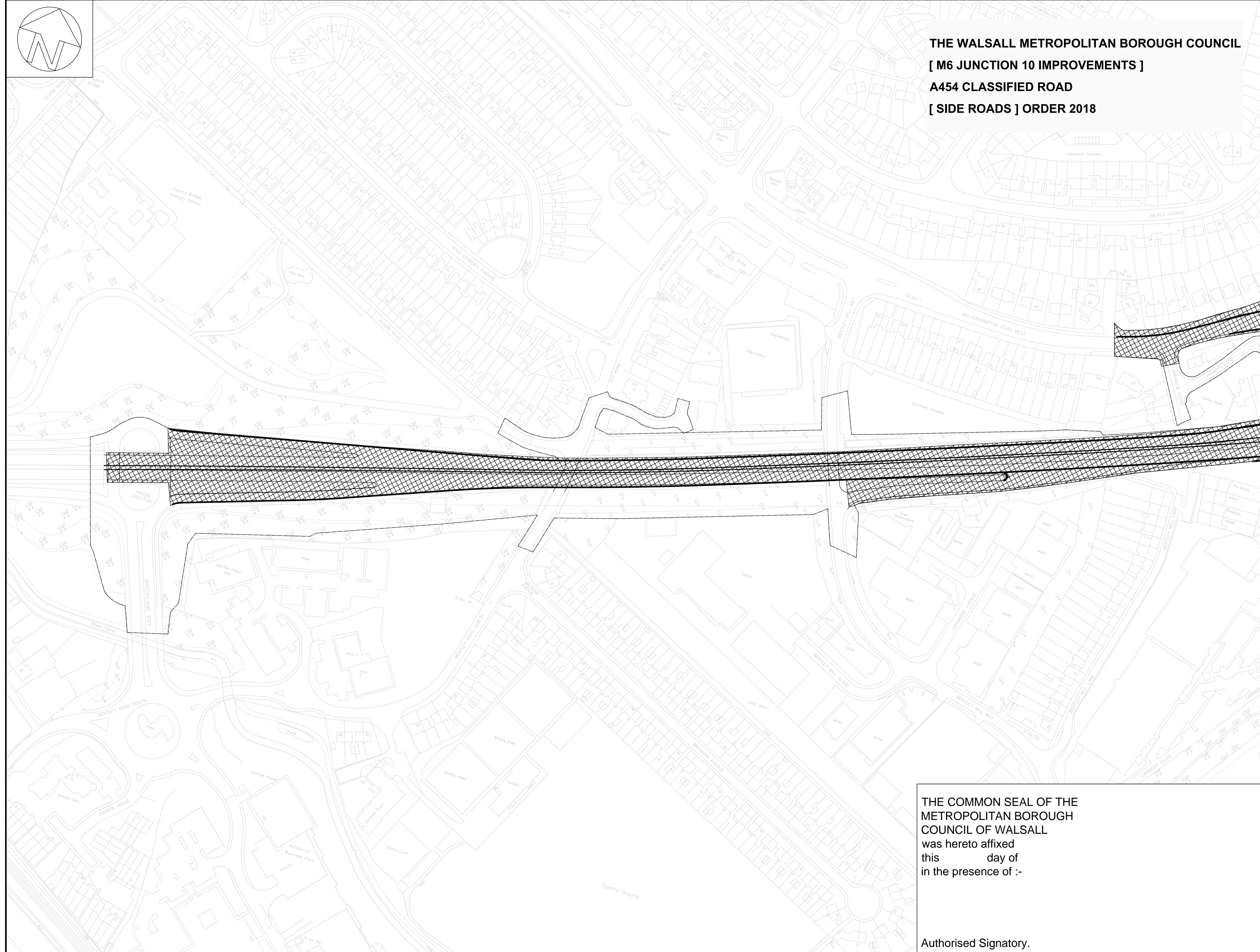
[M6 JUNCTION 10 IMPROVEMENTS]

A454 CLASSIFIED ROAD

[SIDE ROADS] ORDER 2018

ORDERS UNDER SECTION 14 & 124 OF THE HIGHWAYS ACT 1980 PLAN SYMBOLS

Existing highway layout where it is proposed to be altered	Highway boundary Carriageway Highway boundary	----- ----- -----
Classified Road	Highway boundary Carriageway Highway boundary	----- ----- -----
Highway to be stopped up	Highway boundary Carriageway Highway boundary	----- ----- -----
Highway to be improved	Highway boundary Carriageway Highway boundary	----- ----- -----
New Highway	Highway boundary Carriageway Highway boundary	----- ----- -----
Private means of access to be stopped		-----
Private means of access to be stopped		-----



DRAFT

2.0	Amended to reflect Weightmans comments	DJ	17/4/18
1.0	Draft for comment	DJ	5/4/18
Rev.	Comment	By	Date

Project:
M6 Junction 10 Improvements

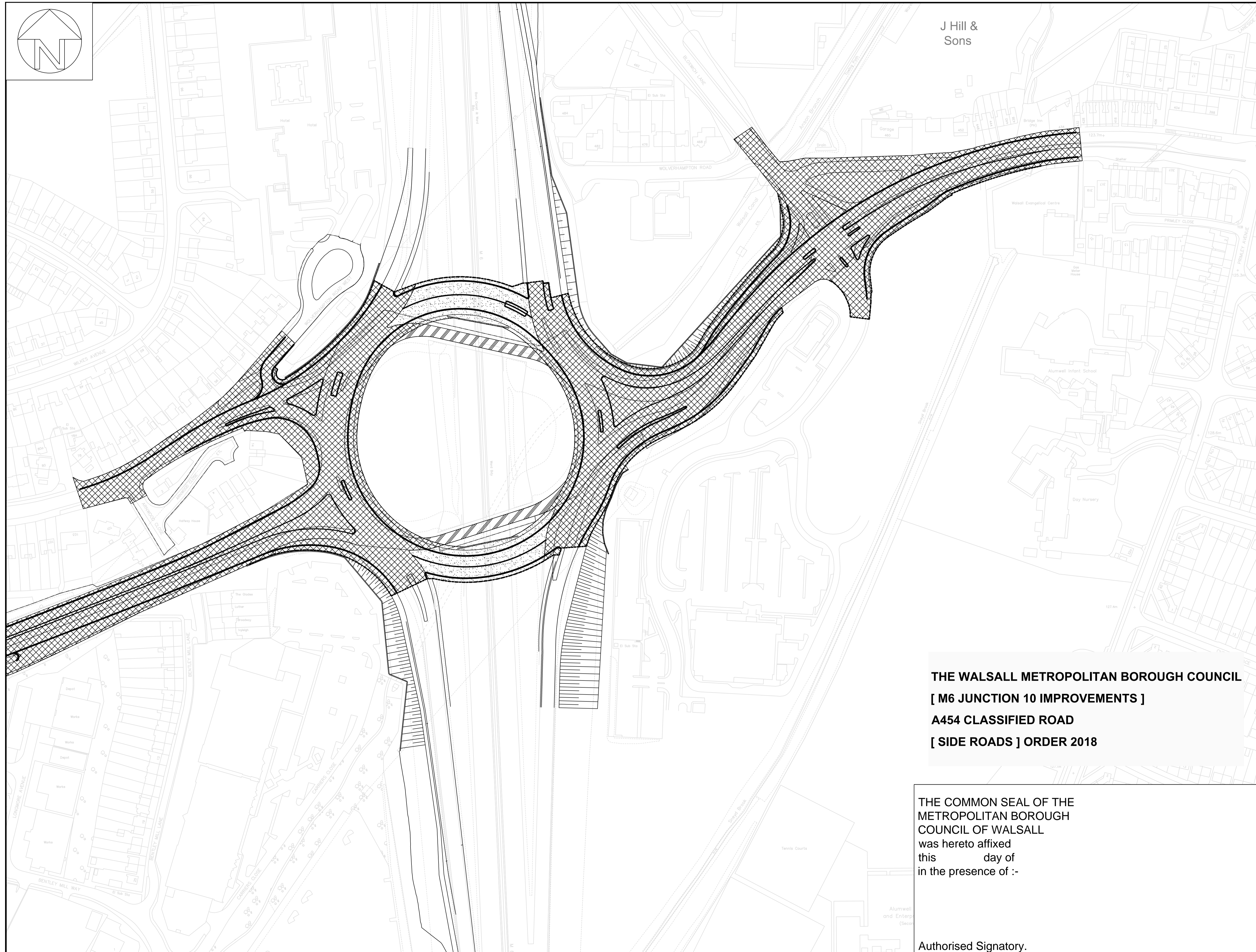
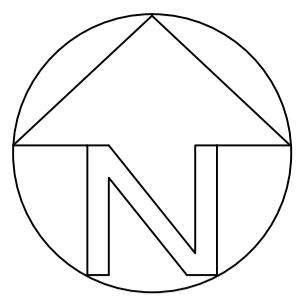
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The Walsall Metropolitan Borough Council
[M6 Junction 10 Improvements]
A454 Classified Road
[Side Roads] Order 2018

Design:	DJ	CAD:	DJ
Chk'd:	SE	App'd:	MC
Date:	April 2018	Scale:	1:1250 @ A1



THE COMMON SEAL OF THE METROPOLITAN BOROUGH COUNCIL OF WALSALL was hereto affixed this day of in the presence of :-

Authorised Signatory.



J Hill & Sons

**ORDERS UNDER SECTION 14 & 124 OF THE HIGHWAYS ACT 1980
PLAN SYMBOLS**

Existing highway layout where it is proposed to be altered	Highway boundary	---
	Carriageway	---
Classified Road	Highway boundary	---
	Carriageway	---
Highway to be stopped up	Highway boundary	▨
	Carriageway	▨
Highway to be improved	Highway boundary	▩
	Carriageway	▩
New Highway	Highway boundary	---
	Carriageway	---
Private means of access to be stopped		▬
Private means of access to be stopped		▨

THE WALSALL METROPOLITAN BOROUGH COUNCIL
[M6 JUNCTION 10 IMPROVEMENTS]
A454 CLASSIFIED ROAD
[SIDE ROADS] ORDER 2018

DRAFT

2.0	Amended to reflect Weightmans comments	DJ	17/4/18
1.0	Draft for comment	DJ	5/4/18
Rev.	Comment	By	Date

Project:
M6 Junction 10 Improvements

THE COMMON SEAL OF THE METROPOLITAN BOROUGH COUNCIL OF WALSALL was hereto affixed this day of in the presence of :-

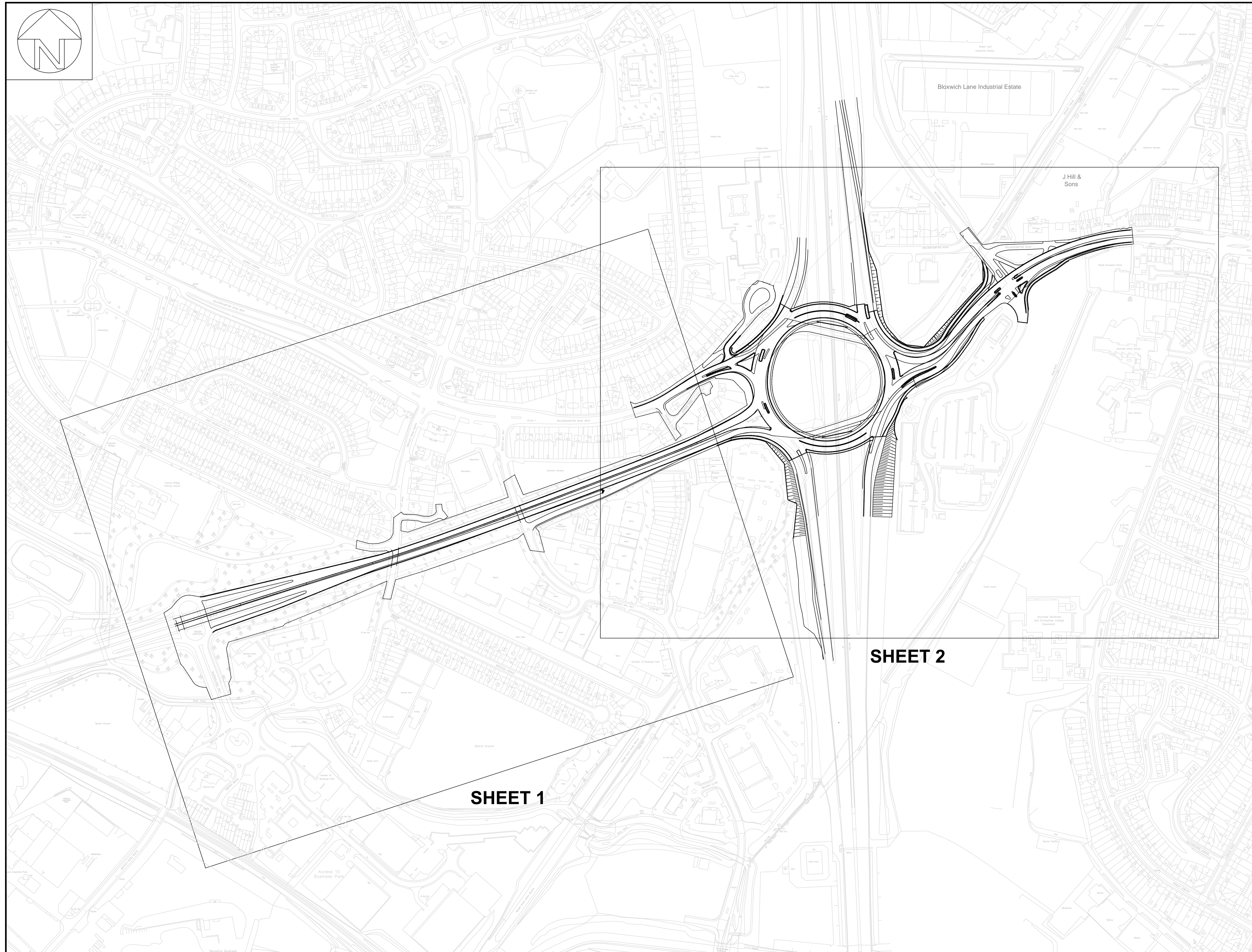
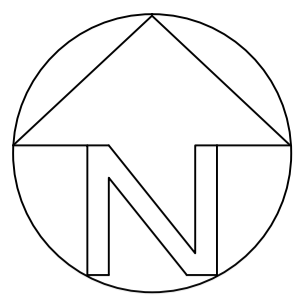
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 The Walsall Metropolitan Borough Council
 [M6 Junction 10 Improvements]
 A454 Classified Road
 [Side Roads] Order 2018

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Date: April 2018	Scale: 1:1250 @ A1



Authorised Signatory.

No. MP/M6J10/SRO-03 Rev. 2.0



SHEET 2

SHEET 1

DRAFT

2.0	Amended to reflect Weightmans comments	DJ	17/4/18
1.0	Draft for comment	DJ	5/4/18
Rev.	Comment	By	Date

Project:
M6 Junction 10 Improvements

Title:
The Walsall Metropolitan Borough Council
[M6 Junction 10 Improvements]
A454 Classified Road
[Side Roads] Order 2018 Location Plan

Design:	DJ	CAD:	DJ
Chk'd:	SE	App'd:	MC
Date:	April 2018	Scale:	1:2500 @ A1



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THE WALSALL METROPOLITAN BOROUGH COUNCIL (M6 JUNCTION 10) COMPULSORY PURCHASE ORDER 2018

THE HIGHWAYS ACT 1980 AND THE ACQUISITION OF LAND ACT 1981

The Walsall Metropolitan Borough Council (in this Order called the “acquiring authority”) hereby make the following Order:

1. Subject to the provisions of this Order the acquiring authority are, under sections 239, 240, 246, 249 and 250 of the Highways Act 1980 hereby authorised to purchase compulsorily for the purposes of—

- 1) the construction and improvement of a highway between the Black Country Route (A454) and Wolverhampton Road (A454) and Junction 10 of the M6 in the Metropolitan Borough of Walsall.
- 2) the construction of highways to connect the above mentioned highway with the existing road system at Junction 10 of the M6;
- 3) the improvement of the following existing highways:-
The Black Country Route (A454)
Wolverhampton Road (A454)
Wolverhampton Road West (B4464)
Bloxwich Lane
Tempus Drive and
Arnwood Close all in Walsall
in pursuance of the Walsall Metropolitan Borough Council (M6 Junction 10) (A454 [Black Country Route/Wolverhampton Road (Side Roads Order) 2018];
- 4) [the provision of new means of access to premises [in pursuance of the Walsall Metropolitan Borough Council (M6 Junction 10) (A454 [Black Country Route/Wolverhampton Road (Side Roads Order) 2018];
- 5) [the diversion of a [navigable] watercourse and] the carrying out of [other] works on watercourses in connection with the [construction] [and] [improvement] of highways [and the provision of new means of access to premises] as aforesaid;
- 6) use by the acquiring authority in connection with the construction and improvement of highways [the diversion of a navigable watercourse] [and the provision of new means of access to premises] as aforesaid;
- 7) [the improvement or development of frontages to the above mentioned [new and existing] highways or of the land adjoining or adjacent thereto; and
- 8) mitigating the adverse effect which the existence or use of the highways proposed to be constructed or improved will have on the surroundings thereof,

the land which is described in the Schedule hereto and is delineated and shown coloured pink on the map hereinafter mentioned and the rights which are specified in the said Schedule over the land which is described therein and is delineated and shown coloured blue on the said map. The map aforesaid is a map [consisting of sheets numbered ... to ... respectively], prepared in duplicate, sealed with the Common Seal of the acquiring authority and marked... “Map referred to in the.....Compulsory Purchase Order 2018”. [One duplicate of the map is deposited in the

offices of the acquiring authority and the other is deposited in the offices of the Secretary of State for Transport].

2. Parts II and III of Schedule 2 to the Acquisition of Land Act 1981 are hereby incorporated with this order subject to the modification that references in the said Parts of the said Schedule to the undertaking shall be construed as references to any building or work constructed or to be constructed on that part of the land authorised to be purchased or, as the case may be, on the land over which new rights are authorised to be acquired.

Key:
Land to be acquired
Rights to be acquired

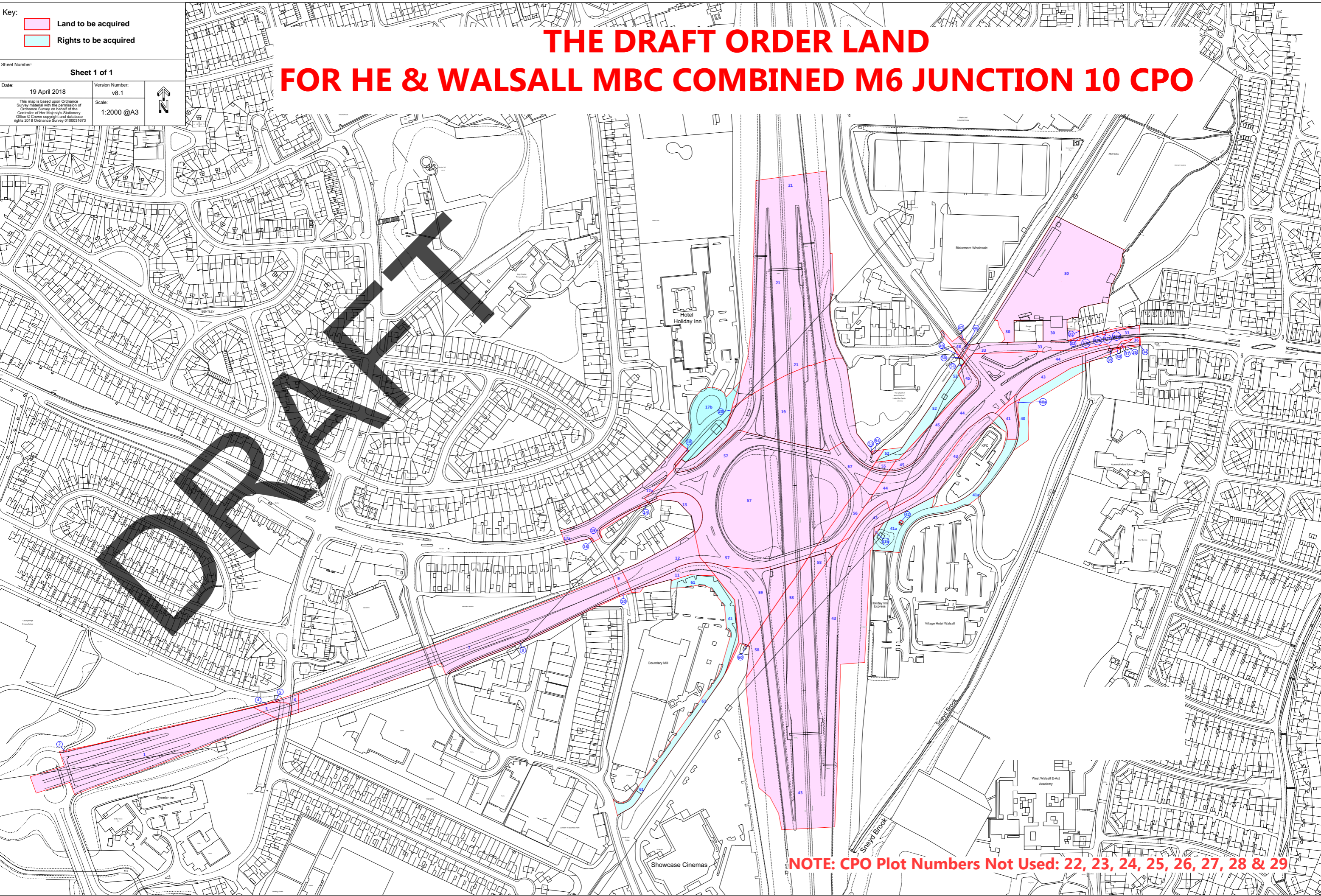
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Sheet 1 of 1

Date: 19 April 2018
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THE DRAFT ORDER LAND FOR HE & WALSALL MBC COMBINED M6 JUNCTION 10 CPO



NOTE: CPO Plot Numbers Not Used: 22, 23, 24, 25, 26, 27, 28 & 29

MAP REFERRED TO IN THE WALSALL METROPOLITAN BOROUGH COUNCIL (WALSALL M6 JUNCTION 10) PROPOSED COMPULSORY PURCHASE ORDER 2018

- Key:
- Land to be acquired
 - Rights to be acquired

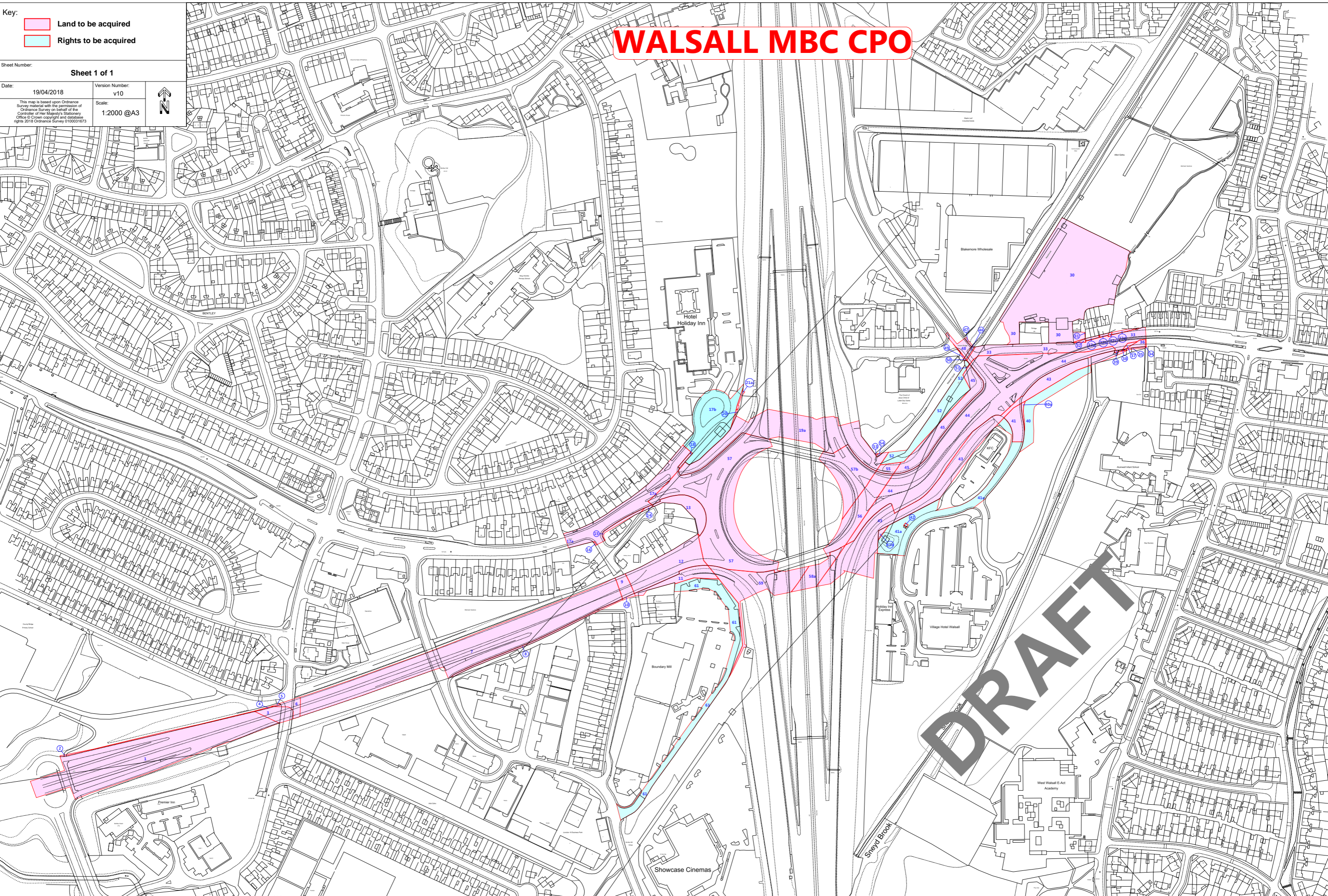
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Date: 19/04/2018
Version Number: v10

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WALSALL MBC CPO



MAP REFERRED TO IN THE WALSALL METROPOLITAN BOROUGH COUNCIL (WALSALL M6 JUNCTION 10) PROPOSED COMPULSORY PURCHASE ORDER 2018

- Key:
- Land to be acquired
 - Rights to be acquired

Sheet Number:
Sheet 1 of 1

Date: 12/04/2018
Version Number: v9
Scale: 1:2000 @A3



THE CPO LAND ONLY

