

Cabinet

Date: Thursday 12 October 2023
Time: 1.45 pm
Venue: Committee Room 2, Shire Hall

Membership

Councillor Isobel Seccombe OBE (Chair)
Councillor Margaret Bell
Councillor Peter Butlin
Councillor Andy Crump
Councillor Yousef Dahmash
Councillor Kam Kaur
Councillor Sue Markham
Councillor Jan Matecki
Councillor Heather Timms
Councillor Martin Watson

Items on the agenda: -

1. General

(1) Apologies

(2) Disclosures of Pecuniary and Non-Pecuniary Interests

(3) Minutes of the Previous Meeting

To approve the minutes of the meeting held on 14 September 2023.

5 - 10

(4) Public Speaking

To note any requests to speak on any items that are on the agenda in accordance with the Council's Public Speaking Scheme (see footnote to this agenda).

2. Housing with Care Framework

This report sets out proposals for the development of a framework contract for care delivered in Housing with Care (HWC) schemes.

11 - 16

Cabinet Portfolio Holder – Councillor Margaret Bell

- 3. A426/A4071 Avon Mill/Hunters Lane Improvements, Rugby – Compulsory Purchase Order** 17 - 46
 A report seeking authority to buy land required for a proposed road scheme, by the making of a compulsory purchase order if voluntary negotiations with affected landowners are unsuccessful.

 Cabinet Portfolio Holder – Councillor Jan Matecki
- 4. Reports Containing Exempt or Confidential Information**
 To consider passing the following resolution:

 ‘That members of the public be excluded from the meeting for the items mentioned below on the grounds that their presence would involve the disclosure of exempt information as defined in paragraph 3 of Schedule 12A of Part 1 of the Local Government Act 1972’.
- 5. Exempt Minutes of the 14 September 2023 meeting of Cabinet** 47 - 48
 To consider the exempt minutes of the 14 September 2023 meeting of Cabinet.
- 6. Supported Accommodation** 49 - 140
 An exempt report that seeks approval to tender for a registered provider to develop a new supported accommodation development.

 Cabinet Portfolio Holder – Councillor Andy Crump
- 7. CIF Funding for Supported Accommodation** 141 - 228
 This exempt report seeks approval for the allocation of funding from the Capital Investment Fund.

 Cabinet Portfolio Holder – Councillor Peter Butlin
- 8. Warwickshire Property & Development Group (WPDG) - Site Specific Business Case 4** 229 - 476
 An exempt report presenting a site specific business case for approval.

 Cabinet Portfolio Holder – Councillor Peter Butlin
- 9. Warwickshire Property & Development Group (WPDG) - Site Specific Business Case 6** 477 - 550
 An exempt report presenting a site specific business case for approval.

 Cabinet Portfolio Holder – Councillor Peter Butlin

Monica Fogarty
 Chief Executive
 Warwickshire County Council
 Shire Hall, Warwick



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Disclosures of Pecuniary and Non-Pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election of appointment to the Council. Any changes to matters registered or new matters that require to be registered must be notified to the Monitoring Officer as soon as practicable after they arise.

A member attending a meeting where a matter arises in which they have a disclosable pecuniary interest must (unless they have a dispensation):

- Declare the interest if they have not already registered it
- Not participate in any discussion or vote
- Leave the meeting room until the matter has been dealt with
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests relevant to the agenda should be declared at the commencement of the meeting.

The public reports referred to are available on the Warwickshire Web
<https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

Public Speaking

Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter that features on the agenda. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least two clear working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders.

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Cabinet

Thursday 14 September 2023

Minutes

Attendance

Committee Members

Councillor Isobel Seccombe OBE (Chair)
Councillor Margaret Bell
Councillor Peter Butlin
Councillor Yousef Dahmash
Councillor Kam Kaur
Councillor Sue Markham
Councillor Jan Matecki
Councillor Heather Timms
Councillor Martin Watson

Officers

Amy Bridgewater-Carnall, Senior Committee Services Officer
Monica Fogarty, Chief Executive
Nigel Minns, Executive Director for People
Mark Ryder, Executive Director for Communities
Benjamin Brook, Chief Fire Officer
Sarah Duxbury, Director of Governance and Policy
Andrew Felton, Director of Finance
Rob Powell, Executive Director for Resources
Steve Smith, Director of Commissioning Support Unit

Others Present

Councillor Barbara Brown
Councillor Tim Sinclair

1. General

The Leader welcomed everyone to the meeting.

(1) Apologies

Apologies for absence were received from Councillors Andy Crump, John Holland and Jerry Roodhouse.

(2) Disclosures of Pecuniary and Non-Pecuniary Interests

There were none.

(3) Minutes of the Previous Meeting

The minutes of the meeting of Cabinet held on 13 July 2023 were agreed as an accurate record.

(4) Public Speaking

There was none.

2. 2023-24 Financial Monitoring - Forecast position at Quarter 1

Members received a report which outlined the forecast financial position of the organisation at the end of 2023/24, based on the information known at the end of the first quarter.

Councillor Peter Butlin introduced the report, highlighting the £0.883m overspend. He reminded Members that every authority was operating in difficult times as could be seen in the media and highlighted the recent, unfortunate situation that Birmingham City Council had just announced. He also made reference to the challenges faced by all Local Authorities in Children's Services, Adult Social Care and with Home to School Transport budgets.

Councillor Butlin went on to itemise the pressures on finances despite significant additions to the budget in some areas. He confirmed that the Budget Member Working Group were closely scrutinising the situation and continuing to identify measures to keep the budget down. He concluded by reminding Members that the report was a precautionary note, politically and across the organisation, that these pressures being experienced in local government across the country.

The Leader made reference to this being the first quarter report, explaining that there was a degree of variance to be expected at this time of the year. She felt the report demonstrated a shared understanding of the Council's position and how everyone could work together to resolutely solve problems. She concluded by encouraging all Cabinet members to work with their departments and recognised that the leadership team had a shared role in solving these issues.

Councillor Butlin proposed the recommendations as laid out and, having considered the report, it was

Resolved

That Cabinet:

- 1) notes the forecast overspend of £0.883m (0.2%) that would need to be funded from the Directorate and General Risk Reserves at the end of 2023/24;
- 2) notes the forecast delivery of savings for 2023/24 of £6.314m, and the consequent shortfall against the target;
- 3) asks Corporate Board to bring forward, as part of the Quarter 2 Financial Monitoring Report, an action plan to address service overspends in 2023/24;
- 4) notes the forecast capital spend for 2023/24 of £174.420m; and

- 5) notes and approves the movement in the forecast spend on the capital programme of £13.972m from 2023/24 into future years and notes the carry forward of S278 contributions of £10.504m.

3. Local Government & Social Care Ombudsman – Annual Review and Summary of Upheld Complaints

Cabinet received a report which detailed the annual review and summary of upheld complaints issued by the Local Government and Social Care Ombudsman in the financial year 2022/23.

The Portfolio Holder for Customer & Transformation, Councillor Yousef Dahmash introduced the report and signposted Members to key information including the number of complaints received and national trends. He assured the meeting that neither he nor officers were complacent and were continuing to look at ways to improve the customer contact journey for residents. He outlined a number of projects underway in Adult Social Care, housing support funding and the customer platform work which was ongoing. It was hoped that these measures would help to prevent complaints progressing to the ombudsman.

The Leader recognised that complaint levels had improved year on year despite the increased demand on services. She applauded the work of all staff involved in helping to improve systems for the public.

Councillor Yousef proposed the recommendations, and it was

Resolved that Cabinet note the annual review and summary of upheld complaints issued by the Local Government and Social Care Ombudsman in the financial year 2022/23.

4. Update on the Warwickshire Bus Service Improvement Plan

Members received a report which summarised the progress made by Warwickshire Enhanced Partnership (EP) in implementing the Warwickshire Bus Service Improvement Plan (BSIP) since publication in October 2021.

The Portfolio Holder for Transport and Planning, Councillor Matecki introduced the report. He highlighted the work of the Partnership Group and the list of prioritised capital and revenue measures outlined in the appendices. Further government funding had now been secured which would help to maintain existing services and enable enhanced marketing. Further detail was provided in Appendix D which proposed how the additional revenue funding would be allocated. Councillor Matecki concluded by advising that a further report would be published detailing future allocation of funding in 2024/25.

Councillor Sinclair addressed the meeting and outlined the work of the Council's Cross Party Working Group, applauding the level of member involvement and collaborative work with officers. He noted that whilst the environmental implications were often noted, the economic detail was not always highlighted and he felt that sound public transport had a positive impact on the economy.

Councillor Matecki thanked Councillor Sinclair for his comments and proposed the recommendations as laid out.

Resolved

That Cabinet

- 1) Agrees the list of prioritised capital and revenue measures (Appendices A and B) taken from the Warwickshire Bus Service Improvement Plan (BSIP) supported by the Warwickshire County Council Cross Party Working Group;
- 2) Approves the programme of revenue-funded measures (Appendix D) aligned to the Warwickshire BSIP being brought forward for delivery through the £2.072m BSIP Plus revenue grant allocation for 2023-24 awarded to the County Council by the Department for Transport, including adding the measures onto the Warwickshire Enhanced Partnership Scheme; and
- 3) Agrees to a further report being taken to Cabinet seeking approval of a proposed programme of revenue-funded measures aligned to the Warwickshire BSIP to be funded by the £2.072m BSIP Plus revenue grant allocation to the County Council for 2024-25, including adding the measures onto the Warwickshire Enhanced Partnership Scheme.

5. Devolution for Warwickshire & West Midlands Combined Authority

On 13 July 2023, Cabinet considered a report about the West Midlands Combined Authority (WMCA) and devolution for Warwickshire. At that meeting, Cabinet resolved to explore the opportunity for Warwickshire County Council, as a two-tier authority area, to become a full constituent member of the West Midlands Combined Authority (WMCA) and other options that may be available and to report back to Cabinet.

This report outlined the progress and work to date following the previous decision in July 2023.

The Leader, Councillor Isobel Seccombe, outlined the report and reminded Members of the discussions and outcome following the Cabinet report considered in July. The timescales surrounding the decision had resulted in work having to be undertaken at pace and the Leader thanked those officers who had contributed extensively. It was felt that a consultation would have had to be initiated quickly and with no extension to the timeframe being given, officers and members were not comfortable at the speed of the decision and the complexity of the work required. Councillor Seccombe recognised the benefits that had been gained by going through this process with more insight being gained into the operational arrangements.

She assured that the Council would continue to have conversations with the Department for Levelling Up Housing and Communities (DLUC), as well as Districts and Boroughs to seek out a devolution deal.

Following a question from Councillor Sinclair regarding a realistic timeframe for the work, he was advised that a specific time could not be confirmed at this stage, but discussions would continue throughout the next electoral cycle.

Having considered the report, and having heard from those present, it was

Resolved

That Cabinet

- 1) Formalises its decision not to progress the opportunity for Warwickshire County Council to become a constituent member of the West Midlands Combined Authority (WMCA) at this time; and
- 2) Reconfirms its commitment to the WMCA as an active non constituent member of the WMCA and agrees to pursue the opportunities for Warwickshire that the exploration work has highlighted, as set out in this report.

6. Council Plan 2022-2027 : Integrated Performance Report Quarter 1 2023/24

Members received a report which provided a retrospective summary of the Council's performance at the end of Quarter 1 (April 2023 – June 2023) against the strategic priorities and Areas of Focus, set out in the Council Plan 2022-2027.

Cabinet was asked to consider and comment on organisational performance and refer the report to Overview and Scrutiny Committees to consider the information relevant to their individual remits.

Councillor Dahmash introduced the report and highlighted the key performance levels and positive metrics. He recognised the challenges being faced, with demand rising for nursing care and the pressures with the delegated school's grant. He encouraged Members to access the wealth of information on Power BI and noted some of the detail relating to HR data, absences, vacancies and the unsettled pay award. Finally, Councillor Dahmash referred to external factors which he assured officers were acutely aware of and who were working daily to improve processes.

The Leader reminded the meeting that this report would be considered at the Overview and Scrutiny Committees, enabling further opportunities for involvement by Members.

Resolved

That Cabinet:

- 1) Considers and comments on the Quarter 1 2023/24 organisational performance; and
- 2) Agrees to refer the report to Overview and Scrutiny Committees to consider, in detail, the information relevant to their individual remits.

7. Youth Justice Plan 2023-2024

Councillor Sue Markham introduced the report which proposed that Cabinet recommend the Warwickshire Youth Justice Service Strategic Plan 2023/24 to Council for approval. The plan was attached at Appendix 1 to the report and summarised the performance for the period 2022/23 and set the vision for the Warwickshire Youth Justice Partnership to deliver great services.

The report was an annual statutory requirement which presented the plan for the upcoming year. Councillor Markham noted that although serious violence offences remained low, there had been a slight increase in incidents in Warwickshire. She reiterated the key importance of prevention and early intervention by officers, expressing her pride for the team of officers and the Youth Justice Partnership. Councillor Markham also highlighted the recognition given to volunteers at the Children and Families Awards recently.

Councillor Seccombe added her congratulations to all of the winners and stated that all of the staff involved fully deserved the recognition for their work.

Councillor Markham proposed the recommendations and

Recommended to Council the Warwickshire Youth Justice Service Strategic Plan 2022/23 for approval.

8. Reports Containing Exempt or Confidential Information

Resolved:

That members of the public be excluded from the meeting for the items mentioned below on the grounds that their presence would involve the disclosure of exempt information as defined in paragraph 3 of Schedule 12A of Part 1 of the Local Government Act 1972.

9. Exempt Minutes of the 13 July 2023 Meeting of Cabinet

The exempt minutes of the Cabinet meeting held on 13 July 2023 were agreed as an accurate record.

10. Addition of Capital Funds to the MTFP for additional Children's Home Capacity

The Portfolio Holder for Finance and Property, Councillor Peter Butlin outlined the exempt report.

Resolved that the recommendations be approved, as set out in the exempt report.

(The meeting ended at 2:33pm)

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Chair

Cabinet

12 October 2023

Housing with Care Framework

Recommendations

That Cabinet authorises:

- 1) The Executive Director for People, in consultation with the Portfolio Holder for Adult Social Care and Health, to commence a procurement process in partnership with NHS Coventry and Warwickshire Integrated Care Board for the provision of a framework for care services in Housing with Care schemes.
- 2) The Executive Director for People to enter into all relevant contracts for the provision of a framework for care services in Housing with Care schemes on terms and conditions acceptable to the Executive Director for Resources.
- 3) The continuation of direct award arrangements for care contracts in new schemes that will open before the new framework is in place and which become necessary during the lifetime of the framework for the reasons set out in this report.

1. Executive Summary

- 1.1 Commissioning activity for the care delivered in Housing with Care schemes has previously been based on the Supported Living Working Age Adult framework.
- 1.2 Following consideration by officers, the 2023 Working Age Adults framework is not appropriate for commissioning care for customers in Housing With Care schemes, and that there are advantages in having a separate Housing With Care framework agreement (please see 5.5 below). Therefore, whilst previously care for customers in Housing With Care schemes was commissioned using the Supported Living framework (which is now part of the Working Age Adults framework), this will not be an option going forward. This is because the arrangements for care for those customers in Housing With Care schemes need to include elements that are not covered in the Working Age Adults contracts e.g. agreements with housing providers around housing referral pathways for customers and care operating models.
- 1.3 A Housing With Care framework of care providers to commission care for customers in Extra Care Housing and Specialised Supported Housing will

provide a more consistent, efficient, and transparent way of engaging and contracting with the market for care delivery in these settings. It is proposed that the term of the framework be 5 years plus the option to extend a further 5 years.

- 1.4 A 2011 Cabinet approval permits the award of spot care contracts in a residential, supported housing and support at home setting for a period not exceeding 4 years subject to certain conditions, for example where specific needs or provision can only be met by a non-framework provider. The proposals in this paper address this requirement and take steps to reduce the requirement for spot purchase through the establishment of a framework.
- 1.5 The Council's Procurement team has set out a plan for the tendering of the Housing With Care framework. The new framework will aim to be in place for February 2024. A project plan has been put together to support the achievement of the required actions including the formulating of specifications and contracts.
- 1.6 In addition to the project plan, a working group consisting of stakeholders across the Council's Commissioning and Legal Services teams and the Integrated Care Board (ICB) and the ICB's Commissioning Support Unit, will work together to complete the service specification and other contract schedules required to start the tender process. This will also include input from operational colleagues and service customers to ensure the suitability of the services being commissioned.
- 1.7 Current annual commissioned spend by the Council on the care delivered in Housing With Care Schemes is £8.3 million per annum across 23 schemes. Taking into consideration the market engaging with the Council's Commissioning team with developers providing high level proposals to deliver an additional 14 schemes over the next 3-5 years, using the current spend levels as indicative, spend under the proposed framework is likely to be around £5.3 million a year. This estimate comes with the caveat that actual costings will depend on the number of customers with care and support needs referred to the services, their level of need and any future changes to the cost of care.
- 1.8 Engagement has taken place with partners and the Joint Commissioning Board (commissioning partnership with the Integrated Care Board) supports the proposals to tender these services.

2. Financial Implications

- 2.1 The development of a framework for Housing With Care will provide the opportunity to review the services on offer and to help shape the provider market. As an accommodation-based support solution, Housing With Care schemes for customers who are 65 years, or more are approximately £20 per week cheaper than the average domiciliary care package due to not having to factor in travel costs (as the care provider usually provides services for

multiple customers in the same scheme). For customers in the 18-64 years age range, the reduction in cost per week is greater at £111 per week when comparing an average supported living package (£974) to an average Housing With Care specialist scheme package (£863). Efficient commissioning of further schemes using the framework will increase cost efficiencies for the customer cohort that would have accessed community-based provision should the services not exist

- 2.2 For every customer supported in a Housing With Care scheme that otherwise would have been living in residential care, the Council is avoiding paying the accommodation costs for the resident as this is met through housing benefit. It is also likely to support those customers' independence. Data shows 180 clients in residential placements with the same level of banding under the Council's Resource Allocation System as those in Housing With Care schemes. A recent example saw a customer in a residential provision move into a Housing With Care provision leading to an efficiency of £329.63 per week or £17140.76 per annum.
- 2.3 Within the current Medium Term Financial Strategy, Adult Social Care have a £500k a year cost avoidance efficiency for Housing with Care as an alternative to traditional provision, as the Housing with Care model can, for some customers, lead to cost efficiencies as evidenced in in 2.1 and 2.2. In order to support current and any future financial strategies, it is necessary to increase the available Housing with Care provision. Services available through a framework will provide additional opportunities to place more customers in Housing with Care schemes, maintaining their independence, whilst supporting commitments to cost efficiency programmes within Social Care.
- 2.4 As part of the project, the Council's Commissioning team will be working with Market Management and Finance colleagues to understand the Housing With Care rate to set a fair and consistent costing, including factoring in cost efficiencies associated with limited staff travelling.

3. Environmental Implications

- 3.1 Housing With Care schemes, as an accommodation-based support solution contribute to reduce carbon emissions due to care staff being based on site rather than driving from one care and support call to another as seen in community-based provision.
- 3.2 Scheme construction and delivery will also comply with environmental requirements set out within the Local Planning Policies for each of the district and boroughs which include policies on carbon offsetting, greener construction methods and bio-diversity requirements.

4. Supporting Information.

- 4.1 Housing With Care is an accommodation-based support solution which provides purpose built specialised housing in conjunction with care and support for residents. In Warwickshire, the Housing With Care Portfolio includes Extra Care Housing for over 55s and Specialised Supported Housing for Adults with Disabilities.
- 4.2 There are two commissioning methods for the development of Housing With Care schemes. The first is where the Council commissions the development of a scheme on a piece of land owned by the Council in return for a lease of the property and at the same time commissions the care to be delivered to customers at the scheme. This is usually done through a single formal tendering process during which the Council specifies the requirements for the development of the scheme (via a building specification) and also requests a right to nominate suitable customers for the scheme under a nomination agreement with the housing provider. The care contract is also awarded part of this tender. The second method is through market shaping using schemes developed independently by providers at their risk, but where the Council has negotiated a nomination agreement with the housing provider and awarded a care contract to the care provider(s) providing care at the scheme through a new spot or existing care contracts (including framework agreements).
- 4.3 Due to limited and suitable land available from Strategic Asset Management for the development of schemes on Council land, the commissioning of care at new schemes is likely to be undertaken using schemes developed independently by the market.
- 4.4 It had been thought that care could be commissioned for customers placed at provider developed schemes under the new Working Age Adult framework in the same way that the Supported Living Framework had been previously used to commission services for such customers. However, it is now clear that a separate framework is required to commission care services at Housing With Care schemes. The inclusion of Housing With Care services in the Working Age Adults framework would have caused further delays to the procurement of Working Age Adult services and it became apparent that there would be advantages in having a separate Housing With Care Framework agreement as it can be tailored to the specific services for the provision of care in Housing With Care schemes which require additional contractual requirements for core support and nominations agreements (with the latter often including Housing and Planning departments).
- 4.5 Due to Housing With Care schemes often supporting customers with shared responsibility with Health through Section 117 of the Mental Health Act, and customers funded through Continuing Health Care, colleagues in the Integrated Care Board have been consulted. It is intended that the Housing With Care framework will be jointly commissioned with the Integrated Care Board but not under arrangements under Section 75 of the National Health Service Act 2006. This means that the Council and the Integrated Care Board will jointly develop the specification for services and go out to tender at the

same time with the intention that contracts are awarded at the same time for the same period, although each organisation will enter into their own contracts with providers and there will be no pooling of budgets for these services. The Council will lead the procurement for both organisations and a Memorandum of Understanding will be put in place to govern these arrangements.

5. Timescales associated with the decision and next steps.

- 5.1 Tender documentation will be finalised and completed for January 2024 by which time the service specifications and contracts for the framework will be completed.
- 5.2 The invite to tender of the new framework will go live to the market February 2024 and will run until March 2024. The evaluation of submissions will be completed by end of May 2024.
- 5.3 An award report outlining the outcome of the tender will be presented to the Executive Director for People beginning of June 2024. It is anticipated that the new framework will then go live beginning of July 2024.

Appendices

There are no appendices.

Background Papers

There are no background papers.

	Name	Contact Information
Report Author	Nigel Exell, David Sherwood	niglexell@warwickshire.gov.uk, davidsherwood@warwickshire.gov.uk
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Portfolio Holder	Portfolio Holder for Adult Social Care & Health Councillor Margaret Bell	margaretbell@warwickshire.gov.uk

The report was circulated to the following members prior to publication:

Local Member(s): County wide report

Other members: Adult Social Care and Health Overview And Scrutiny Committee Chair and Spokes Group

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Cabinet

12 October 2023

A426 / A4071 Avon Mill / Hunters Lane Improvements, Rugby – Compulsory Purchase Order

Recommendations

That Cabinet:

1. Authorise the Executive Director for Resources to acquire the land or rights in respect to the land shown on Drawing No. 9.2-333--010-6309 (**Appendix A**), whether by agreement or by means of a Compulsory Purchase Order (the Order), as is required to enable the construction of the A426/A4071 Avon Mill/Hunters Lane Improvements, Rugby, subject to acquisition taking place only after:
 - i) planning permission has been granted; and
 - ii) authorisation by Cabinet and Full Council via separate reports to be brought forward in 2023/24 to add the proposed £4 million Capital Investment Funding (CIF) local contribution to the scheme Capital Programme; and
 - iii) approval of the external Full Business Case (FBC) by the Department for Transport (DfT) and subsequent funding award, or funding for the purchase of the land is otherwise secured to the satisfaction of the Executive Director for Resources, subject to final authorisation by Cabinet;
2. Authorise the Executive Director for Resources to take any steps incidental, conducive or consequential thereto including the making of the order, the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;
3. Authorise the Executive Director for Resources to approve agreements with landowners setting out the terms for the withdrawal of any objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order; and
4. That the Executive Director for Communities and the Executive Director for Resources be authorised to make such amendments to the drawing referred to in Recommendation 1 as they consider to be minor and necessary modifications after consultation with the Cabinet Portfolio Holder for Transport and Planning.

1. Key Issues

- 1.1 At its meeting on 27 January 2023, it was resolved that Cabinet:
Approves the further development of the A426/A4071 Avon Mill/Hunters Lane Improvement scheme on the Major Road Network (MRN) in Rugby and authorised the Strategic Director for Communities, in consultation with the Portfolio Holder for Transport and Planning, to take all necessary steps required to progress the scheme to Outline Business Case (OBC) submission stage including:
- (i) Finalising designs and determining land requirements;
 - (ii) Commencing negotiations with third-party landowners;
 - (iii) Negotiating terms and entering agreements for alterations to private accesses;
 - (iv) Securing all necessary statutory consents (including licences and planning permissions) and entering any necessary agreements with other regulatory bodies;
 - (v) Exercising any statutory rights of entry for the purposes of carrying out surveys, examinations or other investigations or executing works;
 - (vi) Undertaking public and wider stakeholder consultation;
 - (vii) Submission of an Outline Business Case (OBC) to the Department for Transport (DfT) in accordance with the programme outlined in Section 7 of that report.
- 1.2 At the time of the January 2023 Cabinet meeting, it was envisaged that further reports be brought to Cabinet seeking authorisation to add £4 million funding from the County Council's Capital Investment Fund (CIF) to the Capital Programme, to invite tenders, to award a contract and to complete the required land acquisition, subject to approval of the Full Business Case (FBC) for the proposed scheme and subsequent funding award by DfT.
- 1.3 This scheme is now being progressed towards delivery with works required to start on site no later than March 2025 to comply with DfT funding conditions for all MRN schemes which are being promoted during MRN Investment Period 1 (2020-2025), with an expected completion date in Autumn 2026 following a construction period of approximately 18 months.
- 1.4 The currently active workstreams are as follows:
- (i) Negotiating terms for the required land acquisitions, as described further in section 4 of this report;
 - (ii) Completion of the feasibility design, shown on plan 9.2-333--010-6001 Rev D, attached as **Appendix B**;
 - (iii) Development of the detailed design;
 - (iv) Preparation for the habitat and other studies required to support the planning application and OBC submission;
 - (v) Preparation of the Equality Impact Assessment;
 - (vi) Development of the planning application submission and EIA screening request;

- (vii) Development of an OBC for submission to DfT by the end of November 2023 in support of the funding application, the principle of which has already been agreed;
- (viii) Development of an indicative Construction Management Plan as a basis for initial discussions with potential contractors and scheme assessment;
- (ix) Preparatory work for seminars to be arranged with the Portfolio Holder for Transport and Planning and local elected members to discuss scheme development and programme for delivery;
- (x) Preparatory work for public and wider stakeholder engagement;
- (xi) Development of an internal Full Business Case (FBC) and funding bid for the mandatory local authority financial contribution from the County Council's Capital Investment Fund (CIF), following addition of the scheme to the CIF Pipeline in 2022/23;
- (xii) Drafting of reports for Cabinet and Full Council seeking authorisation to add the proposed £4 million CIF funding allocation to the Capital Programme, subject to approval of the internal FBC and bid by CIF Technical Evaluation Panel.

2. Scheme Description

2.1 A Scheme Layout Plan is shown in **Appendix B** and comprises the elements listed below:

- (i) Enlargement of the existing Avon Mill Roundabout including entry widening to three lanes on all approaches and exit widening to two lanes on A426 and A4071 Newbold Road;
- (ii) Provision of a new segregated foot/cycleway and bridge located to the north of the existing road bridge with connections onto enhanced crossing facilities on A426 Leicester Road to provide safe access to Avon Valley School;
- (iii) A new four arm roundabout at A426 Newbold Road/Hunters Lane to replace the existing priority T-junction arrangement;
- (iv) Construction of a short length of dual carriageway to connect the two roundabouts including a new bridge over the River Avon located to the south of the existing road bridge;
- (v) A new left-in/left-out access junction to provide access to the Starbucks 'Drive-Thru' which is currently under construction on the former Avon Mill Inn site and adjacent residential properties served off the proposed southbound carriageway.

3. Scheme Objectives

3.1 In accordance with DfT requirements for all MRN proposals, the scheme seeks to support all road users by promoting Active Travel opportunities and improving journey times for bus users. It will also make a positive contribution towards achieving Net Zero targets by reducing carbon emissions, as outlined below:

- (i) **Promoting Active Travel opportunities by upgrading facilities for pedestrians and cyclists** - the proposed segregated foot/cycleway and bridge will provide a key 'missing link' in Rugby's cycle network, giving pedestrians and cyclists better access to the town centre and reducing severance.
- (ii) **Supporting local Climate Emergencies and Net-Zero targets** – the carbon impacts of the scheme have been assessed initially through a high-level calculation of the Carbon Dioxide Equivalent (CO₂e) value resulting from vehicle emissions generated by traffic within the area. The results show a modest reduction in carbon emissions with the scheme in place relative to the 'without scheme' scenario, due to reduced congestion and shorter travel distances resulting from a lower propensity for traffic to divert away from major routes. The proposed foot/cycleway and bridge will also make walking and cycling more attractive and encourage a shift away from private car for short local journeys which will also help to reduce carbon impacts. The potential uplift in walking and cycling journeys will be included in the OBC submission to DfT.
- (iii) **Improving Bus Journey Times and Reliability** – Avon Mill roundabout has been identified as a key congestion hotspot by Stagecoach Midlands, the principal local bus operator in Rugby. Scheme assessment work indicates that the proposals would reduce congestion thereby improving bus journey times at the junction and across the wider network.
- (iv) **Supporting Housing Delivery, Economic Growth and Rebalancing** - assessment work shows that the scheme would significantly reduce queues and delays on the approaches to Avon Mill roundabout under forecast conditions and thus help to facilitate significant planned growth in Rugby Borough Council's adopted Local Plan 2011-2031. This comprises over 12,000 new homes, 100 hectares of employment land and 8,000 m² of retail space.
- (v) **Improving Network Resilience** - closure of the existing A426 River Avon bridge for planned maintenance or due to an unforeseen incident would have potentially widespread adverse environmental impacts, as traffic would divert onto less suitable routes. The scheme provides a second road bridge and a new foot/cycleway and bridge thereby significantly improving the resilience of the local road network. The scheme also improves network resilience for the wider Strategic Road Network (SRN) managed by National Highways, as the A426/A4071 forms a diversionary route between the M45/A45 south-west of Rugby and the M1/M6/A5 to the north when there is an incident or planned works on the SRN.

- (vi) **Improving Road Safety** – assessment work shows that the scheme will reduce the propensity for traffic to ‘rat-run’ via the congested Mill Road Tunnel, Murray Road and surrounding residential streets, thus improving road safety and reducing community impacts (e.g. noise, air quality, severance). Walking and cycling journeys will also be made safer via provision of the proposed segregated foot/cycleway and bridge and enhanced crossing facilities on A426 Leicester Road.

4. Land Acquisition

- 4.1 The land requirements are shown on Drawing No. 9.2-333--010-6309, a copy of which is attached as **Appendix A**.
- 4.2 The project team has initiated negotiations with the owners and occupiers of the land identified as required for the scheme. To preserve the maximum degree of flexibility whilst limiting exposure to risk, the County Council will seek to negotiate “Option Agreements” with the landowners whereby purchase of the land will not complete until both award of planning permission and the settlement of the full funding package, both of which are anticipated by Autumn 2024.
- 4.3 If these negotiations prove unsuccessful, it would be necessary to invoke Compulsory Purchase Order (CPO) powers to secure the required land. In view of the lengthy timescales involved in the CPO process, the scheme Project Board has instructed officers to initiate the CPO process as soon as possible to reduce the risk that land acquisition delays the scheme delivery.
- 4.4 It is necessary for the Council to adopt a ‘twin-track’ approach in this case, proceeding with the CPO process for as long as necessary while at the same time negotiating with the landowners.
- 4.5 This approach, in parallel with the negotiations is required to give the County Council confidence that works can start on site no later than March 2025 to comply with DfT funding conditions for all MRN schemes which are being promoted during MRN Funding Period 1 (2020-2025).
- 4.6 The expected scheme completion date is in Autumn 2026 when it is anticipated the scheme would be brought into public use following a construction period of approximately 18 months.
- 4.7 In making the compulsory order, the County Council would be relying upon powers vested in it by:
 - (a) Section 239 of the Highways Act 1980 for highways purposes, and
 - (b) Section 226(1) (a) of the Town and Country Planning Act 1990 which allow the development of land with a view to securing the development or improvement of an area.

- 4.8 A more detailed summary of the reasons for concluding that the Compulsory Purchase Order would be justified is contained in a 'Statement of Reasons' which will form part of the documentation sent to the DfT should Cabinet approve the making of the Orders. A draft copy is attached at **Appendix C**.

5. Financial Implications

- 5.1 The Outline Business Case (OBC) supporting the allocation of funding for this project from the DfT is currently being developed for submission by the end of November 2023.
- 5.2 The current scheme cost estimate is **£24.279 million** at current prices with proposed contributions as follows:
- (i) Central Government (DfT) - £17.873 million (73.6% of total);
 - (ii) County Council (Capital Investment Fund - CIF) - £4 million not yet approved (16.5% of total);
 - (iii) S.106 Developer Contributions - £2.406 million received (9.9% of total).
- 5.3 The scheme cost estimate is in the process of being revised for inclusion in the OBC submission to DfT. The revised estimate will include the value of the land to be acquired, and if CPO is required, the costs of preparing and progressing the initial stages of the CPO process.
- 5.4 Following OBC submission, the DfT contribution towards the scheme will be fixed and the County Council would be responsible for managing any further cost increases.
- 5.5 To reduce the risk of potential cost overruns, the revised OBC cost estimate will therefore include robust allowances for contingency and recent large increases in inflation, particularly the increased cost of construction and materials.
- 5.6 The potential DfT contribution for individual MRN schemes, shortlisted by Midlands Connect and subsequently approved by DfT following submission of compelling business case evidence will normally be between £20 million and £50 million although the lower threshold will not be applied rigidly.
- 5.7 The current DfT funding ask of £17.873 million is below the lower threshold. If there is a significant increase in the total scheme cost estimate at OBC submission stage, it is therefore proposed to increase the DfT funding ask to meet any projected cost increases which are not covered by the local contribution, subject to this being acceptable to DfT.
- 5.8 There is also a requirement that the local authority or third-party contribution for MRN schemes should represent at least 15% of the total scheme costs.

- 5.9 The proposed local contribution currently comprises a £4 million funding ask from the County Council's Capital Investment Fund (CIF) and S.106 developer contributions totalling £2.406 million which have already been received. In combination, these local contributions currently represent 26.4% of the total scheme costs.
- 5.10 A Full Business Case (FBC) to support an internal funding bid for the mandatory local authority financial contribution towards the scheme from the County Council's Capital Investment Fund (CIF) is currently in development, following addition of the scheme to the CIF Pipeline in 2022/23.
- 5.11 It is proposed to bring separate reports to Cabinet and Full Council in 2023/24 seeking authorisation to add the proposed £4 million CIF funding allocation to the Capital Programme, subject to approval of the FBC and internal funding bid by CIF Technical Evaluation Panel.
- 5.12 As noted previously, to preserve the maximum degree of flexibility whilst limiting exposure to risk, the County Council will seek to negotiate "Option Agreements" with the landowners, whereby purchase of the land will not complete until both award of planning permission and the settlement of the full funding package, both of which are anticipated by Autumn 2024.
- 5.13 A further report will be brought to Cabinet in 2024 seeking final authorisation to purchase the land, subject to approval of the external Full Business Case (FBC) by DfT and subsequent funding award. This further report will set out detailed proposals for funding the land acquisition and delivery of the wider scheme.
- 5.14 Subject to funding availability, there may be a sound business case for acquiring land prior to FBC approval by DfT if reasonable terms can be agreed with landowners to secure the land against future development.
- 5.15 However, should this scheme fail either before or after FBC approval by DfT, the land would be available for future improvement schemes at this location, or for re-sale in a manner calculated to recoup much of the expense of land purchase. This option will be explored further in the separate reports to Cabinet and Full Council referred to above.
- 5.16 In summary, this Cabinet Report is not committing the County Council to any capital spend which is not already covered by the approved scheme budget which comprises S106 contributions already received and DfT grant funding for developing the OBC.

6. Environmental Implications

- 6.1 Initial assessment work has shown that the scheme will improve air quality and reduce carbon emissions by reducing congestion, discourage 'rat-running' and also improve bus journey times and service reliability.

- 6.2 An assessment of whole life carbon costs is due to be undertaken for inclusion with the OBC submission which will include a Carbon Management Plan in accordance with the latest DfT guidance for MRN schemes.
- 6.3 The scheme will provide an essential 'missing link' in the Rugby cycle network by providing a new segregated foot/cycleway and bridge with connections onto enlarged Toucan Crossing facilities on A426 Leicester Road, thus significantly improving active travel opportunities and helping to reduce carbon emissions.
- 6.4 A quantitative assessment of the projected uplift in walking and cycling journeys resulting from the proposed scheme will be included in the OBC submission to DfT.
- 6.5 In considering the requirement for an Environmental Impact Assessment (EIA) to accompany the planning application, the scheme has been reviewed against the EIA Regulations 2017.
- 6.6 An EIA screening will be submitted to consider whether the proposal will have a significant environmental effect by virtue of its nature, size or location.
- 6.7 A range of technical assessments including ecological, arboricultural and other environmental surveys required to support the planning application and OBC submission are currently being progressed. Options for biodiversity offsetting in the scheme area are also being considered.

7. Human Rights Implications

- 7.1 The making of a CPO is a serious matter. Notwithstanding that compensation is payable, the CPO profoundly affects the property of the current landowner. Such action by definition interferes with the landowner's rights under the terms of the Human Rights Act (e.g. to peaceful enjoyment of possessions).
- 7.2 However, such interference is deemed legitimate where the social or economic benefits of the development which the CPO is required to implement are sufficient to outweigh the damage done to the landowner's rights.
- 7.3 In this case, the benefits that will be generated by the creation of an improved junction arrangement at the A426/A4071 Avon Mill/Hunters Lane junction including a new segregated foot/cycleway and bridge with connections onto enlarged Toucan Crossing facilities on A426 Leicester Road are considered sufficient to pass this test. Further details regarding these benefits are contained in the draft 'Statement of Reasons' at **Appendix C**.

8. Timescales associated with the decision and next steps

- 8.1 The expected next steps for the land acquisition process are:

Negotiate terms with landowners and occupiers.	August to October 2023
Prepare and advertise Compulsory Purchase Order.	October to December 2023
Prepare agreements to acquire with landowners.	October to December 2023

Appendices

- A Land Acquisition Plan.
- B Scheme Layout Plan.
- C Draft Statement of Reasons.

Background papers

None

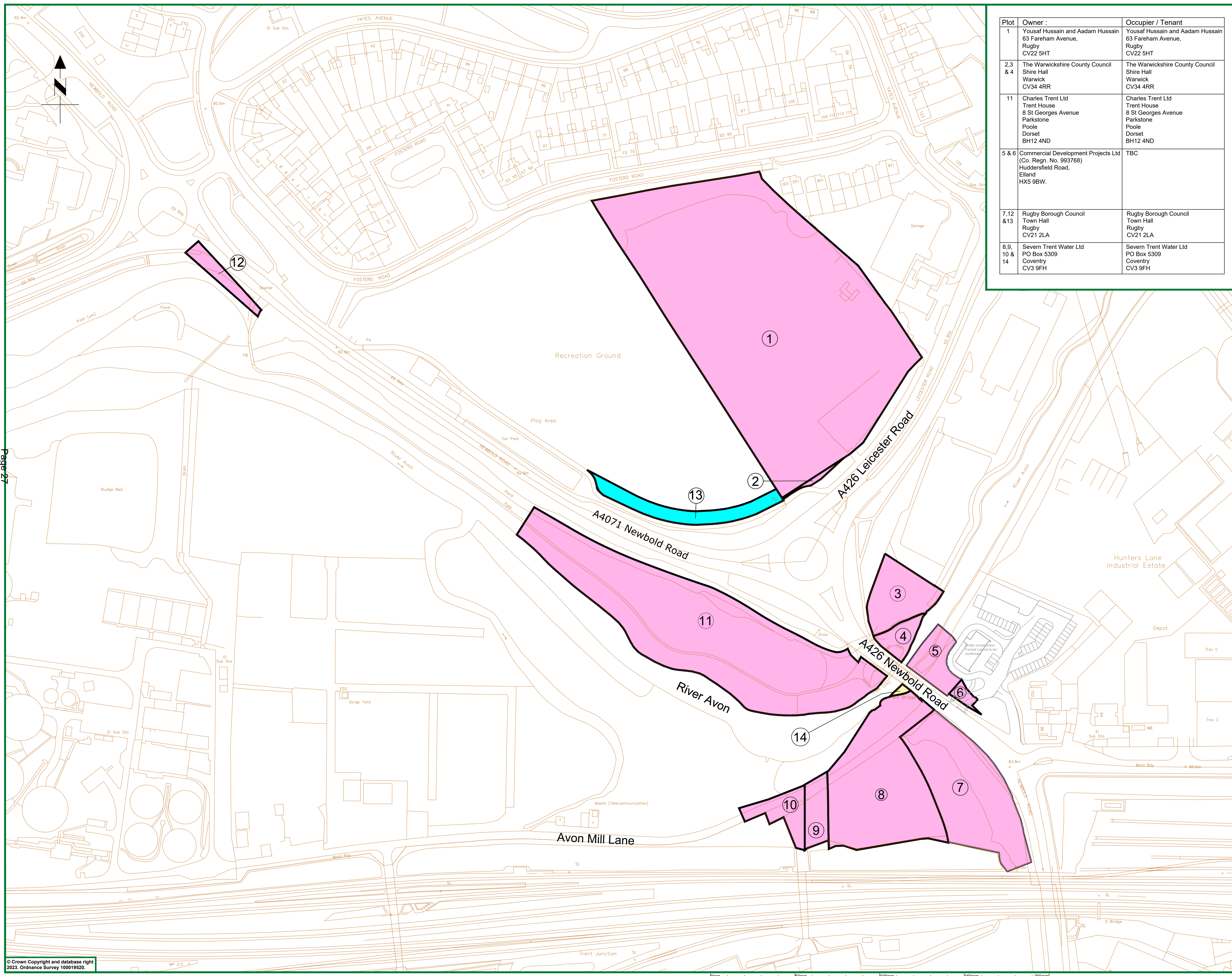
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The report was circulated to the following members prior to publication:

Local Members: Cllrs Brown, Butlin, Dahmash, Feeney, Kaur, Roberts, Roodhouse, Simpson-Vince, Timms, Warwick.

Other Members: Cllrs Seccombe, Matecki, Bell, Chilvers, Clarke, Crump, Fradgley, Gilbert, Humphreys, Markham, Pandher, Pemberton, Singh, Watson, Wright.

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Plot	Owner :	Occupier / Tenant
1	Yousaf Hussain and Aadam Hussain 63 Fareham Avenue, Rugby CV22 5HT	Yousaf Hussain and Aadam Hussain 63 Fareham Avenue, Rugby CV22 5HT
2,3 & 4	The Warwickshire County Council Shire Hall Warwick CV34 4RR	The Warwickshire County Council Shire Hall Warwick CV34 4RR
11	Charles Trent Ltd Trent House 8 St Georges Avenue Parkstone Poole Dorset BH12 4ND	Charles Trent Ltd Trent House 8 St Georges Avenue Parkstone Poole Dorset BH12 4ND
5 & 6	Commercial Development Projects Ltd (Co. Regn. No. 993768) Huddersfield Road, Elland HX5 9BW.	TBC
7,12 &13	Rugby Borough Council Town Hall Rugby CV21 2LA	Rugby Borough Council Town Hall Rugby CV21 2LA
8,9, 10 & 14	Severn Trent Water Ltd PO Box 5309 Coventry CV3 9FH	Severn Trent Water Ltd PO Box 5309 Coventry CV3 9FH

- Estimated land to be acquired by Warwickshire County Council by agreement
- Land over which Rights of Access to Construct are sought over Unregistered land
- Land owner unknown or presumed to be the adjoining owner by virtue of fluvial accretion



Engineering Design Services
Environment Services, Communities
Shire Hall Post Room
Warwick
CV34 4SP
Tel : 01926 410410
Web : www.warwickshire.gov.uk

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PROJECT
A426/A4071 Avon Mill and Hunters Lane
Improvement Scheme

TITLE
Combined Land Acquisition
via CPO

Dim	DJG	Clk'd	DJG	App'd	AC
Date	30-09-22	Date	28-09-23	Date	28-09-23

Status
Approved (Level 2)

Scale
1:1000

Sheet size
A1

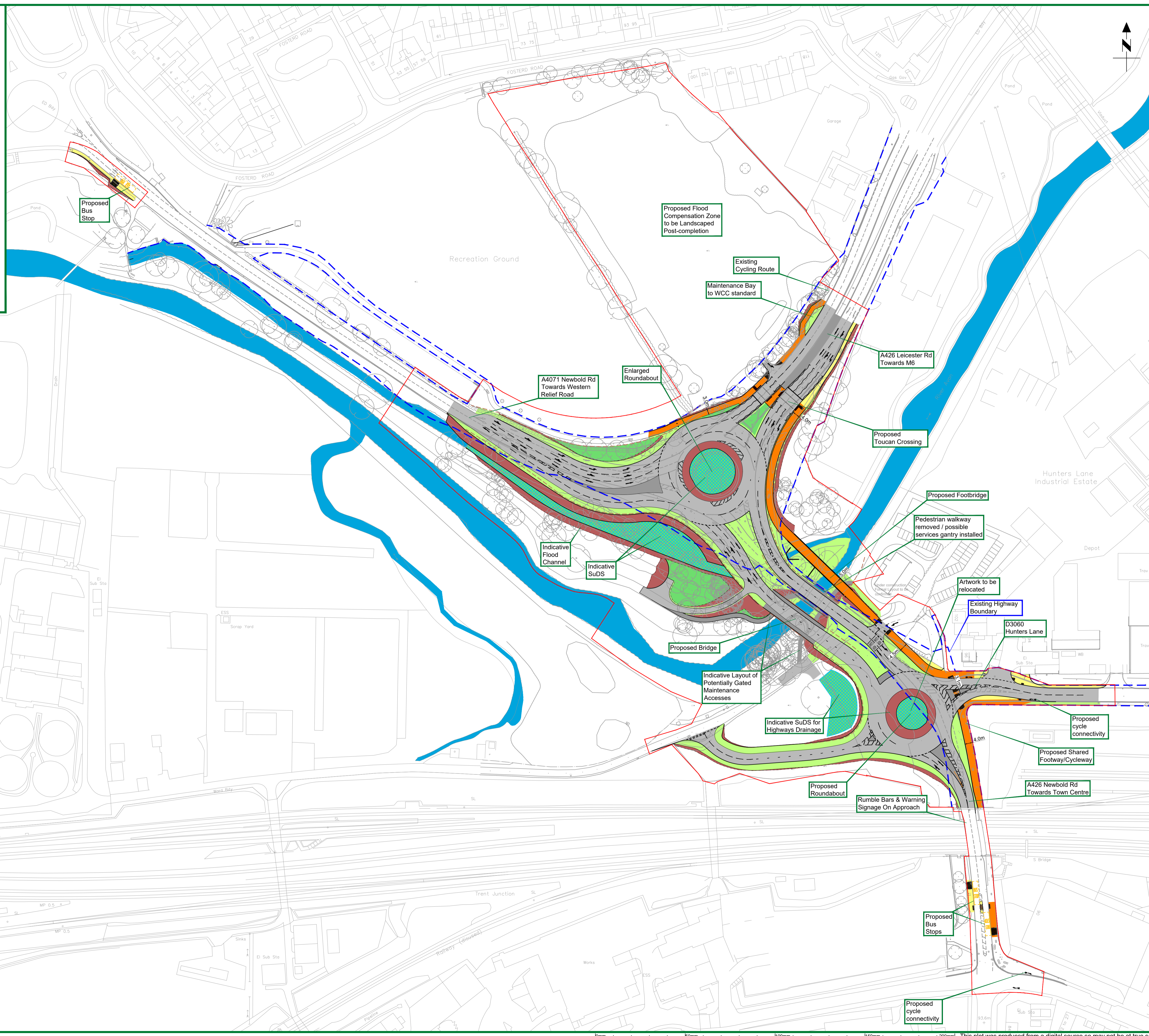
DRG. NO.
9.2-333-010-6309

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KEY

- Carriageway
- Footway
- Footway/Cycleway
- SuDS
- Water
- Verge
- Landscaping/ Low Level Planting
- Embankment
- Hard Standing
- Fence/Safety Barrier
- Proposed Boundary
- Highway Boundary



- NOTES**
1. Indicative culvert layout only, formal option to be confirmed.
 2. Indicative Sustainable Drainage Systems layout, to be confirmed.
 3. Coffee shop access tie-in levels to be confirmed with As Built topographical survey.

- ASSUMPTIONS FOR THE DESIGN:**
1. Horizontal Alignment as per approved Departures and Exceptions and RSA Stage 1.
 2. Avon Mill Lane options depend on Land Ownership of existing fenced area.
 3. Existing Bridge to be retained.
 4. Proposed footbridge and bridge raised levels to account for 100y storm + 40% climate change.
 5. Shared use 4m wide footway from Hunter's Lane to Leicester Road Toucan Crossing.

PROJECT PHASE STATUS: CONCEPT OPTIONING

Drawing Content Status:
PRE-FEASIBILITY WORK IN PROGRESS (ILLUSTRATIVE ONLY)

Suitable For:
INTERNAL USE (DESIGN / DELIVERY TEAMS), CONSULTATION

PROJECT PROGRESS:

REV	DRN	AMENDMENT	DATE
D	RJP	Culvert Design update	16/08/23
C	RJP	Culvert Design update	02/08/23
B	EMF	Design updates	26/07/23
A	EMF	RSA Stage 1 updates	08/09/22

Warwickshire County Council
Engineering Design Services

Engineering Design Services
Environment Services, Communities
Shire Hall Post Room
Warwick
CV34 4SP
Tel: 01926 410410
Web: www.warwickshire.gov.uk

UNCONTROLLED DRAWING - NOT TO BE PRINTED

PROJECT
A426/A4071 Avon Mill and Hunters Lane Improvement Scheme

TITLE
Conceptual Design (Scheme Layout Plan)

Dim	EM	CK'd	RJP	App'd	AC
Date	24-01-22	Date	16-08-23	Date	16-08-23

Status
Approved (Level 2)

Scale
1:1000

Sheet size
A1

DRG. NO.
9.2-333-010-6001

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The Warwickshire County Council (A426 / A4071 Avon Mill / Hunters Lane
Improvements, Rugby)

Compulsory Purchase Order 2023

Statement of Reasons for Making The Order

1. Brief Description of the Land

- 1.1 The Order requires the acquisition of 9.964 acres (4.033 hectares) of land and 0.232 acres (0.094 hectares) of rights situated on Plots numbered 1-14 as shown on the Land Acquisition Plan in **Appendix 1**.
- 1.2 Plots 1 and 2 comprise an area of land which lies to the east of the Avon Mill Recreation Ground located to the north of A426 Leicester Road and Avon Mill roundabout. This land is largely overgrown with vegetation.
- 1.3 Plots 3, 4 and 5 (part) located to the east of A426 Newbold Road comprise wooded grassland in the vicinity of the River Avon. Plot 5 also includes the area of the River Avon which is at a lower elevation to the side of the lawned area. The remainder of Plots 5 and 6 comprise frontage land which has recently been redeveloped to form part of a Starbucks 'Drive Thru' coffee shop facility on the site of the former Avon Mill Inn.
- 1.4 Plot 7 comprises a landscaped and gated parcel of land fronting onto the A426 Newbold Road to the west which features memorial ornamental animals. These are to be relocated as part of the Scheme.
- 1.5 Plots 8, 9 and 10 to the west of A426 Newbold Road largely comprise wooded grassland but also include the eastern section of Avon Mill Lane including its junction with A426 Newbold Road which will be stopped up as part of the Scheme. The Scheme will provide betterment for the landowners of these plots as it provides improved vehicular access onto the A426 Newbold Road via a new junction onto Avon Mill Lane connecting onto the western arm of the proposed Hunters Lane roundabout.
- 1.6 Plot 11 comprises a strip of land located to south of the A4071 Newbold Road in the vicinity of Avon Mill roundabout to the north of the River Avon and comprises mature trees and shrub land.
- 1.7 Plot 12 is located on A4071 Newbold Road approximately 400 m to the north-west of Avon Mill roundabout and comprises grassland and shrubbery fronting onto the public highway.

- 1.8 Plot 13 abuts Plots 1 and 2 and comprises land over which Rights of Access to Construct are sought over unregistered land.
- 1.9 Plot 14 comprises land where ownership is currently unknown but is likely to be within the ownership of the adjoining landowner of Plot 8 by virtue of fluvial accretion.

2. Purpose in Seeking to Acquire the Land

2.1 **The A426/A4071 Avon Mill/Hunters Lane Improvements, Rugby** (“the Scheme”) shown on the Scheme Layout Plan in **Appendix 2** comprise the following elements:

- (i) Enlargement of the existing Avon Mill Roundabout including entry widening to three lanes on all approaches and exit widening to two lanes on A426 and A4071 Newbold Road;
- (ii) Provision of a new segregated foot/cycleway and bridge located to the north of the existing road bridge with connections onto enhanced crossing facilities on A426 Leicester Road to provide safe access to Avon Valley School;
- (iii) A new four arm roundabout at A426 Newbold Road/Hunters Lane to replace the existing three arm priority T-junction arrangement;
- (iv) Construction of a short length of dual carriageway to connect the two roundabouts including a new bridge over the River Avon located to the south of the existing road bridge;
- (v) A new left-in/left-out access junction to provide access to the Starbucks ‘Drive-Thru’ which is currently under construction on the former Avon Mill Inn site and adjacent residential properties served off the proposed southbound carriageway.

2.2 Avon Mill roundabout is one of the most locally strategically significant junctions in Rugby. It is centrally located on the A426/A4071 corridor which provides direct access to A426 Leicester Road, a major focus for Local Plan growth, Rugby Town Centre via A426 Newbold Road and the Strategic Road Network (SRN) comprising the M6, M1, M45/A45 and A5 via the A426 Leicester Road and the A4071 Rugby Western Relief Road (RWRR), as shown on the Scheme Context Plan in **Appendix 3**.

2.3 The Hunters Lane junction is located approximately 180m to the south-east of Avon Mill roundabout on A426 Newbold Road as shown on the Scheme Context Plan. There is significant traffic interaction between these junctions given their close proximity.

- 2.4 The A426 Leicester Road/A4071 corridor was designated as part of the Major Road Network (MRN) by the Department of Transport (DfT) in November 2018. The MRN comprises the country's busiest and most economically important local authority 'A' roads and therefore ensuring their performance is optimised is critical to supporting the local, regional and national economy.
- 2.5 However, there is significant congestion at both the Avon Mill and Hunters Lane junctions during peak periods which compromises their performance. Journey times through the junctions are unreliable and long queues on the north and south-westbound approaches to Avon Mill roundabout currently extend beyond the traditional 08:00-09:00 and 17:00-18:00 weekday AM and PM peak hours.
- 2.6 Analysis of speed survey data reveals a considerable reduction in vehicle speeds on the A426 corridor during the peak hours when compared to the free-flow speed as shown in **Tables 4 and 5** in the Options Testing Report in **Appendix 4**.
- 2.7 Existing congestion problems at the junctions are predicted to become significantly worse following the delivery of significant Local Plan housing and employment growth at Coton Park East (800 dwellings) and South West Rugby (5,000 dwellings), in addition to extant committed Local Plan growth at Gateway Rugby/Eden Park (1,300 dwellings) on the northern section of corridor to the south-west of M6 Junction 1 and at Rugby Radio Station (Houlton) to the east of Hillmorton in Rugby (6,200 dwellings). These developments are expected to result in a significant expansion of the borough's residential and working population leading to an increase in the number of trips on the local highway network including the A426/A4071 MRN corridor where the Scheme is located.
- 2.8 Long queues on the northbound and south-westbound approaches to Avon Mill during peak periods lead to unreliable journey times for motorised traffic including local bus services and create a major bottleneck at the Scheme location. Without the Scheme, more traffic will divert on to less suitable routes and the efficient operational performance of the A426/A4071 MRN corridor will be further compromised.
- 2.9 The River Avon and West Coast Main Line create severance issues for cyclists between the Newbold on Avon area and town centre/rail station, as there are no alternative crossings in this area. Therefore, cyclists currently have no option but to mix with vehicular traffic on the heavily trafficked A426 corridor at the Scheme location. This is likely to deter many people from considering cycling for short local journeys, due to safety concerns.

- 2.10 A Strategic Outline Business Case (SOBC) for the Scheme was submitted to Midlands Connect on 5 July 2019 as the initial priority scheme on the MRN in Warwickshire. The Scheme was subsequently included in the Midlands Connect Regional Evidence Base submission to Department for Transport (DfT) in July 2019 as one of seven priority schemes identified across the region for delivery during MRN Investment Period 1 2020-2025.
- 2.11 An Outline Business Case (OBC) supporting the allocation of funding for this project from the DfT is currently being developed for submission to DfT by the end of November 2023 in parallel with work on the planning application submission.
- 2.12 In accordance with DfT requirements for all MRN proposals, the scheme seeks to support all road users by promoting Active Travel opportunities and improving journey times for bus users. It will also make a positive contribution towards achieving Net Zero targets by reducing carbon emissions, as described below:
- (i) **Promoting Active Travel opportunities by upgrading facilities for pedestrians and cyclists** - the proposed segregated foot/cycleway and bridge and enhanced Toucan crossing facilities on A426 Leicester Road will provide a key 'missing link' in Rugby's cycle network at the Scheme location, giving pedestrians and cyclists better access to the town centre and reducing severance. The projected uplift in walking and cycling journeys resulting from the Scheme will be included in the OBC submission to DfT following completion of baseline surveys which are due to be undertaken in September/October 2023 at the Scheme location. The County Council has engaged with Active Travel England (ATE) on the proposed provision for pedestrians and cyclists and is due to provide a formal response to ATE feedback and comments prior to OBC submission.
 - (ii) **Improved Bus Journey Times** - Avon Mill roundabout has been identified as a key congestion hotspot by Stagecoach Midlands, the principal local bus operator in Rugby. An assessment of modelled bus journey times for services which pass through the proposed Scheme location has been undertaken using the County Council's Rugby Wide Area (RWA) S-Paramics microsimulation model which simulates traffic movements across the whole of the Rugby area. The RWA network extent is shown on **Figure 1** of Technical Note TN06 in **Appendix 5**.

The results indicate that the majority of services passing through the Avon Mill junction would experience significant improvements in average bus journey times with the Scheme, particularly during the weekday PM period, as shown in **Tables 1 and 2** of TN06 in **Appendix 5**. These improvements are key to enhancing the economic viability of local bus services and improving accessibility to employment and other opportunities for residents without access to a car.

- (iii) **Improved Bus Service Reliability** - the average standard deviation of bus journey times across all routes on the model network was also derived. This indicator has been used as a measure of journey time reliability, whereby a lower standard deviation indicates that bus journey times are more consistent. The results show that with the scheme in place there is an overall improvement in bus journey time reliability in both the weekday AM and PM periods, as shown in **Table 3** of TN06 in **Appendix 5**.
- (iv) **Supporting local Climate Emergencies and Net-Zero targets** – the County Council declared a Climate Emergency on 25 July 2019. The carbon impacts of the scheme have been assessed initially through a high-level calculation of the Carbon Dioxide Equivalent (CO₂e) value resulting from vehicle emissions generated by traffic within the area.

The results show a modest reduction in carbon emissions in the 'with Scheme' scenario relative to the 'without Scheme' scenario, as shown in **Table 4** of TN06 in **Appendix 5**. This is due to reduced congestion and shorter travel distances resulting from a lower propensity for traffic to divert away from major routes.

The proposed foot/cycleway and bridge will also make walking and cycling more attractive and encourage a shift away from private car for short local journeys which will also help to reduce carbon impacts. An assessment of whole life carbon costs is due to be undertaken for inclusion with the OBC submission to DfT which will include a Carbon Management Plan.

- (v) **Supporting Housing Delivery, Economic Growth and Rebalancing** - the Scheme would significantly reduce delays on the approaches to Avon Mill roundabout thereby facilitating significant growth in Rugby Borough Council's adopted Local Plan 2011-2031. This comprises over 12,000 new homes, 100 hectares of employment land and 8,000 m² of retail space. There is a significant

reduction in weekday AM and PM peak hour vehicle delays on the A426 south-westbound and north-westbound approaches to Avon Mill roundabout in the 'with Scheme' scenario compared to the 'without Scheme' scenario, with no material increase in delay on the A4071 south-eastbound approach, as shown in on **Figures 7-12** of TN06 in **Appendix 5**.

- (vi) **Improving Network Resilience** - closure of the existing A426 River Avon bridge for planned maintenance or due to an unforeseen incident would have potentially widespread adverse environmental impacts, as traffic would divert onto less suitable routes.

The scheme provides a second road bridge and a new foot/cycleway and bridge thus significantly improving the resilience of the local road network. The proposals also improve network resilience for the wider Strategic Road Network (SRN) managed by National Highways, as the A426/A4071 forms a diversionary route between the M45/A45 south-west of Rugby and the M1/M6/A5 to the north when there is an incident or planned works on the SRN.

- (vi) **Improving Road Safety** – assessment work shows that the scheme would reduce the propensity for traffic to 'rat-run' via the congested Mill Road Tunnel, Murray Road and surrounding residential streets, thus improving road safety and reducing community impacts (e.g. noise, air quality, severance etc.).

RWA model outputs show a localised shift in traffic onto the more appropriate A426/A4071 corridor (links shaded red/orange) on **Figures 23 and 24** in **Appendix 4** in the 'with Scheme' scenario due to reduced queues and delays at Avon Mill. There is a corresponding reduction in traffic previously 'rat-running' via other routes including Technology Drive, Mill Road, Boughton Road and Brownsover Road (links shaded green) to avoid delays on the A426 Leicester Road/Newbold Road corridor in the 'without Scheme' scenario as shown on **Figures 23 and 24** in **Appendix 4** referred to above.

Walking and cycling journeys will also be made safer via provision of the proposed segregated foot/cycleway and bridge and enhanced crossing facilities on A426 Leicester Road for access to Avon Valley School and other key destinations on the corridor.

- 2.13 In economic terms, the July 2019 SOBC noted that the Scheme was estimated to provide a Benefits Cost Ratio (BCR) of 6.8 which represents Very High Value for Money according to DfT guidance. The Present Value of Benefits (PVB) was estimated to be £119.7m with a Present Value of Costs (PVC) estimated to be £17.5m. Comparing the PVB with the PVC showed a Net Present Value of £102m.
- 2.14 The current scheme cost estimate of £24.279 million at current prices is in the process of being revised for inclusion in the OBC. An updated BCR estimate will be included in the OBC based on the revised Scheme cost estimate.

3. Human Rights Implications

- 3.1 The County Council, as a public authority, is required by the Human Rights Act 1998 to avoid acting in a way which is incompatible with the European Convention on Human Rights. The Order represents a serious matter for landowners who are facing the compulsory deprivation of their property. There is now a stronger prerogative on the County Council to decide before making the Order that it is consistent with the following key Convention rights:
- 3.2 Entitlement to a fair and public hearing in the determination of a person's civil and political rights (Convention Article 6).
- 3.3 Peaceful enjoyment of possessions (First Protocol Article 1). This right includes the right to peaceful enjoyment of property and is subject to the State's right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest.
- 3.4 Case law in the UK Courts and the European Court has recognised that the Convention rights just listed are not absolute and must be balanced against the general public need. Therefore, the Council may be justified in making the Order if the interference with the Convention rights of the affected landowner is necessary and proportionate given the public benefit which will be generated by the proposed Scheme for which the land specified in the Order is required.
- 3.5 In the case of this Order the Council has concluded that the economic, social, physical, and environmental benefits that the Scheme will bring (described in section 2 above) are sufficient to justify making the Order. The potential effect of the Order on current and future use of the land affected has been considered when reaching this judgment.

- 3.6 The relevant statutory procedures will also ensure that appropriate compensation is available to the landowners affected by the Order in exchange for the land taken.

4. Steps taken to Negotiate

- 4.1 The Authority has been in contact with the owners of the sites affected by the Order in an effort to negotiate voluntary terms for acquisition of the land in question. It is anticipated that it may be possible to reach terms for voluntary acquisition of the land required, but it is essential to make the Order in case that should not be achieved.

5. Enabling Power

- 5.1 The Order will be made under the provisions of Sections 239, 240, 246 and 250 of the Highways Act 1980 for the construction and improvement of the highway and the mitigation of adverse effects arising from that construction and improvement, and pursuant to the Acquisition of Land Act 1981.

6. Related Orders, Application or Appeals

- 6.1 A Side Road Order will also be promoted by the County Council under Section 14 of the Highways Act 1980 to authorise necessary alterations to the existing highway network resulting from the construction of the Scheme. The County Council will endeavour to ensure that such side roads order is dealt with simultaneously with the Compulsory Purchase Order and, should this be necessary, at the same public inquiry.
- 6.2 An environmental permit will be obtained from the Environment Agency in connection with the construction of a new road bridge over the River Avon, which is a 'main river' for the purpose of the relevant legislation.

7. Planning Position

- 7.1 A Planning Application for the Scheme will be determined in due course by the County Council pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.
- 7.2 Warwickshire County Council as Scheme promoter has appointed Atkins to prepare the Planning Application for the Scheme. A formal request for Pre-Application advice

was submitted by Atkins to the County Council's Planning, Development & Flood Risk Management Group on 20 July 2023. The Planning Application is in preparation and is currently due to be submitted to the County Council in November 2023.

- 7.3 In considering the requirement for an Environmental Impact Assessment (EIA) to accompany the planning application, the scheme has been reviewed against the EIA Regulations 2017. An EIA screening will be submitted to consider whether the proposal will have a significant environmental effect by virtue of its nature, size or location.
- 7.4 A range of technical assessments including ecological, arboricultural and other environmental surveys required to support the planning application and OBC submissions are currently being progressed. Options for biodiversity offsetting in the scheme area are also being considered.
- 7.5 There is considerable policy, guidance and advice that supports the proposed Scheme. In England, there is a hierarchical structure of policy covering national and local planning. At a national level, the National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At a local level, the development plan sets out the planning policy for the area. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
- 7.6 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be considered in preparing the development plan and is a material consideration in planning decisions. The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually

supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- **an economic objective** – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the correct places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure.
- **a social role** – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health and cultural well-being; and
- **an environmental objective** – to contribute to protecting and enhancing our natural, built, and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.7 Paragraph 80 of the NPPF states that significant weight should be given to the need to support economic growth and productivity through the planning system, considering both local business needs and wider opportunities for development. At paragraph 81 an outline is provided on how such growth can be promoted. Those criteria highlighted include: the identification of strategic sites for local and inward investment, addressing potential barriers to investment such as inadequate infrastructure, services or housing, or a poor environment; and recognising and addressing the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative, or high technology industries, and for storage and distribution operations at a variety of scales and in suitably accessible locations.

7.8 In terms of sustainable transport, paragraph 104 states that local authorities should work with transport infrastructure providers and operators so that strategies and investments for supporting sustainable transport and development patterns are aligned.

- 7.9 The statutory development plan in respect of the Order Lands comprises the Rugby Borough Local Plan 2011-2031¹ which was adopted in June 2019. The Scheme is included in Appendix 3 Infrastructure Delivery Plan (IDP) of the adopted Local Plan, having previously been identified as critical infrastructure in the Rugby Borough Local Development Framework Core Strategy (June 2011) required to mitigate the impacts of the proposed development strategy. In accordance with paragraph 48 of the NPPF, the adopted Local Plan policies are therefore a material consideration.
- 7.10 The largest residential growth sites are listed below and shown on the Scheme Context Plan in **Appendix 3**.
- Rugby Radio Station (Houlton) – 6,200 homes (1,597 completed);
 - South West Rugby – 5,000 homes;
 - Gateway Rugby (Eden Park) – 1,296 homes (595 completed);
 - Coton Park East – 800 homes.
- 7.11 RWA model outputs based on the 2031 Local Plan scenario shown on **Figures 7-1** and **7-2** in **Appendix 6** show that a significant number of vehicle trips generated cumulatively by these sites interact with the Scheme location during the weekday AM and PM peak hours, clearly demonstrating that it will support significant Local Plan housing delivery for the sites listed above.
- 7.12 Gateway Rugby employment at SEGRO Logistics Park has been fully built out since 2017. It is classified as dependent development having made a Section 106 contribution of £0.5 million capital funding towards the Avon Mill scheme.
- 7.13 RWA model outputs based on the 2031 Local Plan scenario shown on **Figures 7-3** and **7-4** in **Appendix 6** show that 65-90 southbound residential and employment vehicle trips generated by the Gateway site are predicted to pass through the scheme location during the weekday AM peak hour and 40-65 trips during the weekday PM peak hour in each direction indicating a moderate level of interaction with the scheme location.
- 7.14 A further dependent development, SUEZ recycling and recovery UK allocated in a previous Local Plan is located on the A4071 at Malpass Farm as shown on the Scheme Context Plan in **Appendix 3**. This comprises a solid recovered fuel production facility which feeds the UK's largest cement kiln at the adjacent CEMEX

¹ https://www.rugby.gov.uk/downloads/file/2319/local_plan_2011-31

site, highlighting its importance to the regional and national economy. This development has made S106 contributions totalling £1.3 million capital funding towards the Scheme.

7.15 Policy GP4 - Safeguarding Development Potential in the adopted Local Plan 2011-2031 (June 2019) notes that planning permission will not be granted for development which would prejudice:

- The development potential of other land being realised which is necessary to meet the identified development needs of the Borough, support the long term planning of the area or the comprehensive development of an allocated site;
- The provision of infrastructure identified as necessary to support the current and future development of the Borough; or
- Land that is demonstrated as required for flood risk management.

7.16 The area of land required to construct the Scheme is protected by this policy by virtue of its inclusion in the adopted Local Plan 2011-2031 (June 2019) Appendix 3 Infrastructure Delivery Plan as critical infrastructure necessary to meet the identified needs of the Borough and infrastructure identified as necessary to support the current and future development of the Borough.

7.17 As with the NPPF, the Local Plan makes a presumption in favour of sustainable development. Policy GP1 of the adopted Local Plan states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. These include securing development that improves the economic, social, and environmental conditions in the area.

7.18 The Scheme is consistent with Policy GP1 for the reasons set out below:

(a) Promoting Active Travel

- (i) As noted in paragraph 2.12 (i) above, the scheme will promote Active Travel opportunities by upgrading facilities for pedestrians and cyclists. The proposed segregated foot/cycleway and bridge and enhanced Toucan crossing facilities on A426 Leicester Road will provide a key 'missing link' in Rugby's cycle

network at the Scheme location, giving pedestrians and cyclists better access to the town centre and reducing severance.

- (ii) Section 2 of the Draft Warwickshire Local Cycling and Walking Infrastructure Plan², Rugby (LCWIP) in **Appendix 7** highlights the need for improvements for pedestrians and cyclists at the Scheme location.
- (iii) Figure R9 in the Draft Rugby LCWIP in **Appendix 7** shows that there are up to 10,000 daily motorised vehicle trips of 5km or less at the scheme location which could potentially be undertaken by cycling. Figure R10 of the LCWIP is based on outputs from the DfT Propensity to Cycle Tool (PCT) and shows significant demand for cycling at the scheme location.
- (iv) The Rapid Cycleway Prioritisation Tool also shows that the A426 Newbold Road between Evreux Way roundabout and Avon Mill roundabout is ranked second highest in terms of cycling potential.
- (v) The projected uplift in walking and cycling journeys resulting from the Scheme will be included in the OBC submission to DfT following completion of baseline surveys which are due to be undertaken in September/October 2023 at the Scheme location.

(b) Supporting Bus Users

- (i) In 2016, the principal bus operator in Rugby, Stagecoach Midlands, made written representations in response to consultation on the significant growth proposals outlined in the pre-submission Rugby Borough Local Plan. This highlighted the need for improvements at key congestion hotspots in Rugby, including the Scheme location.
- (ii) As noted in paragraph 2.12 (ii) above, an assessment of modelled bus journey times for services which pass through the proposed Scheme location indicates that the majority of services passing through the Avon Mill junction would experience significant improvements in average bus journey times with the Scheme. These improvements are key to enhancing the economic viability of local bus services

² https://ask.warwickshire.gov.uk/insights-service/lcwip/supporting_documents/LCWIP%20Part%202%20RB.pdf

and improving accessibility to employment and other opportunities for residents without access to a car.

- (iii) As noted in paragraph 2.12 (iii) above, the average standard deviation of bus journey times across all routes on the model network has been used as a measure of journey time reliability, whereby a lower standard deviation indicates that bus journey times are more consistent. The assessment results show that with the scheme in place there is an overall improvement in bus journey time reliability in both the weekday AM and PM periods.

(c) Reducing Carbon Impacts

- (i) As noted in paragraph 2.12 (iii) above, initial assessment work shows a modest reduction in carbon emissions in the 'with Scheme' scenario relative to the 'without Scheme' scenario due to shorter travel distances resulting from a lower propensity for traffic to divert away from major routes. The proposed foot/cycleway and bridge will also make walking and cycling more attractive and encourage a shift away from private car for short local journeys which will also help to reduce carbon impacts. An assessment of whole life carbon costs is due to be undertaken for inclusion with the OBC submission to DfT which will include a Carbon Management Plan.

7.19 The Scheme is consistent with the aims and objectives of both national and local planning policy as evidenced above.

7.20 In October 2021, Mark Pawsey the local MP for Rugby and Bulkington, Warwickshire County Council and Rugby Borough Council elected members, the Mayor of Rugby, representatives from Coventry and Warwickshire Local Enterprise Partnership, the CEO of Midlands Connect and local business leaders from Coventry and Warwickshire Chamber of Commerce attended a virtual roundtable meeting hosted by Midlands Connect.

7.21 Following a presentation on the key aspects of the scheme, Warwickshire County Council officers responded to questions from those attending. The scheme received a strong level of support from attendees.

7.22 An extensive programme of public and stakeholder engagement is proposed to commence during Autumn/Winter 2023.

7.23 Given the substantial benefits of the scheme, and that it accords with national and local policy, there are no obvious reasons why permission for the applications for the railway station and associated works might be withheld.

7.24 In the event that the planning application is called in by the Secretary of State, and objections are made to the CPO resulting in a Public Inquiry all reasonable effort will be made to ensure that both procedures can be dealt with at the same Public Inquiry.

8. Special considerations affecting the order sites

8.1 There are no designated constraints for these sites with regard to the historic environment i.e., Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, registered Battlefields or Conservation Areas. There is a Grade II Listed railway viaduct approximately 160m to the north-east of the site on A426 Leicester Road.

9. Views Expressed by Government Departments

9.1 Warwickshire County Council has liaised with Government departments, specifically the Department for Transport (DfT), to discuss the Scheme. DfT has expressed support for the Scheme and has contributed £260,000 grant funding towards the development of the OBC. Warwickshire County Council continues to actively engage with DfT on scheme development.

10. Availability of Documents, Maps and Plans

10.1 In the event of a Public Inquiry taking place the Council will make all relevant documents available for public inspection at Rugby Borough Council Offices, at Shire Hall, Warwick, and online.

11. Officer to be Contacted

11.1 The following person should be contacted for further information:

Nicholas Dauncey [Principal Transport Planner and Modeller, Communities, Transport and Highways Transport Planning, P.O. Box 43, Shire Hall, Warwick, CV34 4SX (Tel: 01926 412737).]

Appendices

Appendix 1 – Land Acquisition Plan

Appendix 2 – Scheme Layout Plan

Appendix 3 – Scheme Context Plan

Appendix 4 – Options Testing Report

Appendix 5 – Updated Scheme Appraisal

Appendix 6 – Figures 7-1, 7-2, 7-3 and 7-4

Appendix 7 – Draft Warwickshire Local Cycling and Walking Infrastructure Plan

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