

SURREY COUNTY COUNCIL**CABINET****DATE: 21 DECEMBER 2021**

REPORT OF CABINET MEMBER: **MATT FURNISS, CABINET MEMBER FOR TRANSPORT & INFRASTRUCTURE**

LEAD OFFICER: **KATIE STEWART – EXECUTIVE DIRECTOR OF ENVIRONMENT, TRANSPORT AND INFRASTRUCTURE**

SUBJECT: **MAKING OF A COMPULSORY PURCHASE ORDER AND SIDE ROADS ORDER IN ASSOCIATION WITH THE A320 ROAD IMPROVEMENT SCHEME**

ORGANISATION STRATEGY PRIORITY AREA: **GROWING A SUSTAINABLE ECONOMY SO EVERYONE CAN BENEFIT**

Purpose of the Report:

- At its July 2021 meeting, Cabinet decided to proceed with the A320 Housing Infrastructure Fund (HIF) Scheme, and specifically resolved to make a compulsory purchase order to acquire the necessary land, in order to implement the Scheme.
- Since then, the Council has continued to proceed with refinements to the design of the Scheme and prepare the associated documentation which is required to accompany the submission of the compulsory purchase order to the Secretary of State.
- In the course of preparing the order documentation it has become apparent that, in addition to the making of a compulsory purchase order, the Council will also need one or more technical roads orders: a side roads order (identifying new highways to be provided, highways to be improved, existing highway to be stopped up and private means of access to be closed); and, depending on the final views of National Highways (formerly Highways England), a possible line order.
- In addition, as a consequence of design changes, the Council will be acquiring land for an off-street car park. The power to acquire this land is contained in a separate Act - the Road Traffic Regulation Act 1984. This land will secure suitable and adequate parking facilities off the highway, in accordance with the Council's duties under section 122 of the Road Traffic Regulation Act 1984.
- Following legal advice received, officers consider it prudent that the existing resolution to make a compulsory purchase order is amended to include: a fuller and extended list of the powers required by the Council to acquire the necessary land to progress the A320 HIF Scheme; the additional powers required to acquire land for an off-street car park; and the powers to make a side roads order, and any necessary line order.

- This involves a revised form of the resolution, which is presently contained in paragraph 1 of the recommendations which Cabinet approved in July 2021. An amended form of paragraph 1 is set out in the recommendation below.
- For the avoidance of doubt, the remaining paragraphs 2-6 of the recommendations in the July 2021 Cabinet resolution remain; as varied by the amended new paragraph 1.

Recommendations:

It is hereby recommended that Cabinet:

1. Resolve to authorise the making of a compulsory purchase order and a side roads order, line order and/or other similar roads order (together referred to as “the Order”) under the provisions of sections 6, 8, 14, 125, 239, 240, 246, 249, 250 and 260 of the Highways Act 1980 (and any associated provisions) and section 40 of the Road Traffic Regulation Act 1984 (and any associated provisions) to acquire land for the construction of the A320 HIF Scheme (the Order Land); the Council being satisfied that there is a compelling case in the public interest for the making of the Order to facilitate the carrying out of the A320 HIF Scheme.
2. Resolve that recommendation 1 above shall be read in substitution for paragraph 1 of the recommendations set out in the July 2021 Cabinet Report.

Reason for Recommendations:

In September 2020 the Cabinet confirmed acceptance of the HIF funding award of £41.8 million (see [Cabinet Paper](#) at item 13).

As at the Cabinet decision date of September 2020 the Scheme had not been fully designed, thus the final land take was not known, and a further authority to pursue a compulsory purchase order was sought from Cabinet in July 2021.

Following Public Consultation further design alterations were made and this paper seeks additional authority to make a compulsory purchase order and a side roads order, line order and/or other similar roads order (together referred to as “the Order”) under the provisions of sections 6, 8, 14, 125, 239, 240, 246, 249, 250 and 260 of the Highways Act 1980 (and any associated provisions) and section 40 of the Road Traffic Regulation Act 1984 (and any associated provisions) and to seek confirmation by the Secretary of State.

The decision as recommended by this report will enable the Council, with funding for its Infrastructure Fund Forward Funding scheme from the Ministry of Housing Communities and Local Government (MHCLG) to construct the necessary infrastructure improvements described above.

Executive Summary:

1. The A320 North of Woking is an arterial corridor south of Chertsey in Surrey connecting a number of villages, international business locations and a regional hospital. The A320 HIF Scheme comprises that part of the A320 between Ottershaw Village to the south and Chertsey to the north, with the addition of St. Peter’s Way and M25 junction 11 (the Scheme). These roads currently suffer from significant congestion, and additionally this constraint is preventing new growth from housing sites that will feed on to the road and access the hospital, town and village centres and the Strategic Road Network.

2. In order to support sustainable growth in this area, highway capacity improvements are required to five road junctions, four of which are on the A320, and the other, the M25 junction 11 – and 4 associated link roads (sections of the A320 and St. Peter's Way). Highway capacity improvement will allow 11 Green Belt sites to be released for the development of over 3,000 new homes including over 1,000 affordable homes. The Runnymede Local Plan specifically acknowledges that the development of 11 proposed housing site allocations along the A320 corridor are reliant specifically on the delivery of the mitigation proposed for the A320 corridor.
3. The Council in conjunction with Runnymede Borough Council (RBC) submitted a bid to the Government's Housing Infrastructure Fund (HIF) in March 2019 to facilitate these works to unlock the provision of over 3,000 additional homes allocated within the Runnymede Local Plan. The MHCLG confirmed in March 2020 that the Council were to be awarded £41.8 million for the resulting A320 North of Woking scheme.
4. A flow-down agreement was put in place in September 2020 which set out the basis upon which the respective obligations and liabilities of the Council and RBC are to be managed in respect of the infrastructure works and housing outputs under the GDA.
5. As part of the decision it took in September 2020 to accept the HIF funding, Cabinet authorised officers to proceed to facilitate land purchase through compulsory purchase in the event that any initial attempts through direct negotiation prove to be unsuccessful, subject to the signing of the GDA by the Council.

Land Assembly

6. Since June 2020, the Council has been overseeing the design of the scheme layout. This process has identified privately owned plots of land, which will need to be purchased in order to help construct all the necessary infrastructure required for the A320 HIF Scheme improvements. This proposed acquisition includes land for carriageways, footpaths, drainage, landscaping, environmental mitigation, as well as contractor compounds and working sites.
7. Ardent has undertaken all necessary land referencing and affected landowners have since been notified by letter that the Council will need to acquire land affected by the scheme. They have since begun associated follow-up enquiries, title reviews, statutory undertaker searches and any special category land searches. This will culminate with the parcelling of the land, and the preparation of the schedule to the Order and the Order map. The process of land referencing and 'refreshing' of land referencing will continue up to the point at which the CPO is made. The referencing will also need to be updated when the CPO is confirmed and before compulsory purchase notices are served. Ardent's appointment includes their acting on behalf of Surrey CC in order to negotiate the purchases of the various interests in and rights over the land as well as agreeing purchase values and compensation costs.
8. The Council continue to seek to negotiate with landowners and progress offers to purchase the various land interests, in order to secure private treaty purchases. This process will continue with all landowners up to the conclusion of any public local inquiry.
9. In the event of failure of the current negotiated purchase process, CPO powers will be used. The Council possesses the requisite powers of compulsory purchase in respect of the A320 and St. Peter's Way; in addition, the Council will be authorised to exercise the requisite powers by National Highways (formerly Highways England) in relation to M25 junction 11.

10. This paper seeks further confirmation from Cabinet to authorise the use of compulsory purchase powers to acquire the land required for the A320 HIF Scheme; and make the necessary formal roads orders.
11. The Council have appointed Davitt Jones Bould solicitors (DJB) to advise and act on its behalf in dealing with the making of any necessary CPO. DJB have been instructed to prepare the Statement of Reasons in support of the CPO which is to be made under section 239 of the Highways Act 1980 (and the additional provisions referred to in this Report).
12. The Council are intending to make a single compulsory purchase order, to include all the land required for the A320 Scheme. This will comprise the body of the Order (containing the operative provisions); the Schedule to the Order (listing the various land interests and rights to be acquired); and the Order map. In addition, formal roads orders e.g. a side roads order will be made as required.
13. If objections to the Orders are made, and these cannot be resolved, then a public local inquiry will be arranged before an Inspector to consider these.
14. At the time of writing, discussions are still continuing with various interested parties in relation to the final road layout and design at Ottershaw.
15. Following the confirmation of the Order, the Council will wish to take possession of the Order Land at the earliest opportunity.
16. The Council believes that it will be able to secure possession of the Order land approximately four months after receiving the Secretary of State's confirmation of the Order. At this point, the Council will be able to make all of the land required for the A320 Scheme available to its Contractors in keeping with the scheme's delivery programme.

Business Case

17. The purchase of the land by the Council will relieve congestion and allow delivery of the HIF project as set out above.
18. The proposed lands take for the most part is linear to the route of the A320 and is required for road widening, junction improvements, highway infrastructure including SUDS and worksites. It will be necessary to acquire all interests and rights, which are necessary to construct and deliver the project.
19. Land take will be kept to a minimum to minimise landowner objection and cost of acquisition.
20. The circumstances where the Council will be required to purchase land will include:
 - Where the land will form part of the revised highway layout
 - Where owning land can be the most efficient way of safeguarding the access requirements for operations maintenance and construction; and/or
 - Where purchase is the most cost-effective way of compensating a landowner whose use of the land has been blighted by the proposed works.

Planning:

21. There is considered to be a compelling case in the public interest for the compulsory purchase of the Order Land under the provisions of section 239 (and related provisions referred to in this Report) of the Highways Act 1980, in order to facilitate the carrying out of the Scheme; and such public interest justifies interfering with the rights of those having an interest in the land. For justification of making the Order please see Annex 1.

Consultation:

22. The Cabinet Papers of June and September 2020 and July 2021 were presented to Infrastructure Board, Capital Programme Panel (CPP) and met with support. The project is already in the Capital Programme.

Risk Management and Implications:

23. Risks associated with the HIF scheme and making of the CPO how they are mitigated are shown in Annex 2.

Financial and Value for Money Implications:

24. The capital cost of the delivery of the scheme up to a value of £41.8m will be met from the HIF scheme monies provided by Homes England and thus will be cost neutral to SCC. In addition to this funding a further £5.0m is available from developer S106 monies.
25. Land acquisition costs will be met from the £41.8m. Other associated acquisition costs will be funded in part from the £41.8m grant fund and in part from developer S106 contributions, dependent on the date of settlement. Costs claimed are expected to include temporary occupation, severance, disturbance, reinvestment, Stamp Duty Land Tax, Rights of Extinguishment, Basic Loss Payments, Occupiers payments and Claimants fees.
26. Where settlement of claims falls outside the window of the HIF funding grant then developer S106 contributions will be used.

Section 151 Officer Commentary:

27. Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium-term financial outlook beyond 2021/22 remains uncertain. The public health crisis has resulted in increased costs which may not be fully funded. With uncertainty about the ongoing impact of this and no clarity on the extent to which both central and local funding sources might be affected in the medium term, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade.
28. This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term. The cost of purchasing land necessary for the A320 HIF scheme is expected to be met from Housing Infrastructure Fund grant. Should the overall cost of the scheme exceed available grant, additional costs are ultimately expected to be met from developer receipts, as reported to Cabinet in September 2020. As such, the Section 151 Officer supports the recommended approach.

Legal Implications – Monitoring Officer:

29. The July 2021 Cabinet resolution resolved to make a compulsory purchase order under s239 of the Highways Act 1980 which is the main provision which authorises the purchase of land for the carrying out of highway improvements. However, the Council also relies on other provisions of the Highways Act 1980 and section 40 of the Road Traffic Regulation Act 1984 to secure the making of a related side roads order, line order and/or similar roads order and to secure the acquisition of land for mitigating adverse impacts.
30. As these are distinct purposes to those in s239 of the Highways Act 1980 and the Council seeks to rely on them, these sections of the 1980 and 1984 Acts should be contained in Cabinet's resolution. These and other relevant sections (and any associated provisions) are now listed in Recommendation 1 of this report along with references to a side road order, line order and/or other similar roads order. This resolution revises Cabinet's previous resolution of July 2021 contained in the Cabinet Report and Minute.

Environmental Impact Assessment:

31. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require that development consent for projects which are likely to have significant effects on the environment should be granted only after an assessment of those effects. It is noted that the County has adopted an Environmental Impact Assessment (EIA) screening opinion which concludes that the project is not likely to have a significant effect on the environment and so EIA is not required.

Equalities and Diversity:

32. The Council is required to comply with its Public Sector Equality Duty (as set out in Section 149 of the Equality Act 2010). The decision to make the Order is one that this duty applies to and accordingly, the Council has commissioned the preparation of an Equalities Assessment (EqIA) to assess the potential impacts of the Scheme on groups with protected characteristics.
33. Officers are satisfied that the acquisition of the sites will have an overall positive impact on, businesses, health and emergency services, schools and residents with different protected characteristics. Reasoning is provided at Annex 3.

Human Rights Act 1998:

34. It is considered that the Scheme and the Order will not unduly infringe the rights of individuals which are provided by the European Convention on Human Rights. For detailed Human Rights assessment see Annex 4.

Greener Future Carbon Impacts:

35. The main sources of greenhouse gas emissions arising from the proposed scheme are the carbon emissions arising from the construction and operation of the new residential developments identified in the Runnymede Local Plan, which will be enabled following the proposed junction alterations, emissions associated with the highways works, and the changes in traffic patterns that result. The impacts of the new developments have not been calculated because it is too early in the process for emissions to be quantified.

Options to mitigate carbon emissions and future-proof the development against the impacts of climate change will be considered as the plans for the development are progressed. The carbon impacts of the highway works have not been estimated but will be considered through the development of the procurement specification to undertake the works.

- 36. If the junctions are not improved, the carbon emissions associated with traffic within the modelled area, which covers the whole of Runnymede and a small buffer, is estimated to be 32,138,019 tonnes over a 60-year period commencing in 2023; on average, around 0.5M tonnes per year. Due to the alleviation of congestion in the area, undertaking the works is likely to result an emission reduction of less than 1% over the same time period. The proposed additional housing is likely to result in an increase in the amount of local traffic. The increase in carbon arising from the additional trips related to the new developments is estimated to be higher than the decrease ensuing from the highway improvements, resulting in the marginal increase of 0.01%.
- 37. Although the works are not in keeping with SCC’s net-zero greenhouse gas emission they are considered to be essential to alleviate the congestion in the area and facilitate the development of affordable housing. The associated active travel proposals to be implemented and constructed within the scheme are intended to promote and encourage cycling, walking and usage of public transport.

Other Implications:

- 38. The potential implications for the following council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	No significant implications arising from this report.
Safeguarding responsibilities for vulnerable children and adults	No significant implications arising from this report.
Environmental sustainability	No significant implications arising from this report, only benefits.
Public Health	No significant implications arising from this report.

What Happens Next:

- 39. The Council’s Solicitors will prepare the Compulsory Purchase Order and associated side roads order. Ardent are instructed to continue to undertake due diligence and negotiate purchase of land. If land purchase is not achieved through negotiation by the time the CPO is confirmed, land will be acquired under the CPO and terms of acquisition agreed subsequently.

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Consulted:

The following officer were consulted during the preparation of the Cabinet Paper:

Lee Parker (Director – Infrastructure, Planning and Major Projects), Simon Duke (Infrastructure & Major Projects Group Manager), Nancy El-Shatoury (Principal Lawyer Legal & Environmental), Paul Miller (Project Manager), Caroline Smith Planning Group Manager, Ian Taylor (Highway Information & Business Support), Dr Jessica Salder (Principal Environmental Assessment Officer), Tony Orzieri (Strategic Finance Business Partner Community Protection, Environment Transport & Infrastructure), Mrs Dawn Horton-Baker (Development Management Team Planning Development Team)

The details of the Cabinet Paper and its recommendation have been presented to Cabinet member for Transport and Infrastructure, Cllr Matt Furniss and have been met with support.

Annexes:

Annex 1 Justification for the Order
Annex 2 Risk Management and Implications
Annex 3 Equalities and Diversity Reasoning
Annex 4 Human Rights Act 1998

Sources/background papers:

[SCC Cabinet Minutes June 2020](#), Item 11

[SCC Cabinet Minutes September 2020](#), Item 13

[SCC Cabinet Minutes July 2021](#), Item 11

ANNEX 1:

JUSTIFICATION FOR THE ORDER

1. The Runnymede Local Plan 2030 was adopted in July 2020. The Spatial Development Strategy in Policy SD1 of the Plan makes provision for 7507 additional dwellings, plus additional employment land, in the borough in the 10-year period to 2030. Growth will be directed to the larger, most sustainable settlements in the Borough and the new garden village at Longcross. Specific allocated sites are identified in Policy SD2. A number of these, around half of the total Plan housing allocation, are contingent on the delivery of infrastructure improvements on and around the A320. The timely delivery of the A320 scheme is essential to the delivery of the housing on these sites and is required to enable the implementation of the Runnymede Local Plan.
2. The National Planning Policy Framework 2021 requires Local Planning Authorities to identify sufficient land for housing, including specific sites. It also requires plans to be prepared with the active involvement of the local highway authority in order to ensure that strategies and investments for supporting sustainable transport and development patterns are aligned. In this case, the County and Runnymede Borough Councils are agreed that the A320 works are necessary for the delivery of a number of the sites that Runnymede require to meet their housing allocations. It is therefore considered that this proposal is in conformity with both the Runnymede Local Plan 2030 and the National Planning Policy Framework 2021.
3. Planning permission for the scheme is intended to be authorised partly by express planning permissions (in respect of which applications for planning permission are being sought separately from the Council) and partly by existing permitted development rights.
4. In relation to that part of the scheme comprising the junction works at the A320 Guildford Road/Green Lane and A320 Guildford Road/Holloway Hill, an application for planning permission has been submitted to the Council for an express planning permission and will be considered and determined separately by the Council's Planning and Regulatory Committee. A separate application for an express planning permission has also been submitted to the Council in respect of that part of the scheme comprising junction works at the A320 Guildford Road/Murray Road/Chobham Road junction, and again such application will be considered and determined separately by the Council by the same committee.
5. Section 55(1) of the Town and Country Planning Act 1990 provides the definition of development for the purpose of that Act. Subsection 55(2)(b) exempts certain operations from being categorised as development, namely 'the carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including works which may have significant adverse effects on the environment' The effect of this provision is to authorise works on existing highways.
6. Additionally, the Town and Country Planning (General Permitted Development) (England) Order 2015 (the "GPDO") sets out, in Schedules 1 and 2, the developments for which planning permission is granted by the GDPO.
7. Class A of Part 9 of Schedule 2 to the GDPO provides that highway improvement works by any highway authority on land within the boundaries of a road, or on land

outside but adjoining the boundary of an existing highway, is permitted development. This provision authorises works on land adjoining the boundary of existing highways.

8. By a letter dated 22 April 2021 the Council has adopted a screening opinion to the effect that the A320 HIF scheme would not be EIA development.
9. By way of conclusion the public interest case for the compulsory purchase of the land referred to in this Report, derives from an identified need for improvements to the A320, St. Peter's Way and at M25 junction 11 of the M25: first, to address existing capacity issues on these roads and junctions; and secondly, to facilitate the implementation of the provision of new housing, which has been allocated for development by the Runnymede 2030 Local Plan, and which is constrained from development by the capacity limitations of the existing road network.
10. The Scheme will provide the following benefits:
 - i. improvements to the junctions and links within the Scheme will provide additional capacity, reduce travel time, and improve journey time reliability;
 - ii. improving the environment for, and encouraging forms of active travel; including by cyclists and pedestrians; through the provision of new cycle lanes, new and widened footways, and pedestrian crossing points;
 - iii. improved safety for all road users, including cyclists and pedestrians;
 - iv. facilitating the residential development of sites within Runnymede, which are allocated for development in the Runnymede 2030 Local Plan, but constrained from development by the capacity of the existing road network,
 - v. providing new sustainable drainage systems, which will provide greater resilience and protection against flooding; and
 - vi. minimising impacts on the natural environment, and optimising environmental mitigation, including re-planting.
11. There are no impediments to the making, or implementation, of the Order.
12. For all of these reasons, there is considered to be a compelling case in the public interest for the compulsory purchase of the Order Land under the provisions of section 239 (and the further provisions set out in this Report) of the Highways Act 1980, in order to facilitate the carrying out of the Scheme; and such public interest justifies interfering with the rights of those having an interest in the land.
13. The Council appreciates that the compulsory purchase of land should be a measure of last resort. The Council has made efforts to acquire by agreement the necessary land required for the Scheme. Following the making of the Order, the Council will continue to engage with all those owners having an interest the land, in an effort to negotiate the acquisition of land by agreement."

ANNEX 2:

RISK MANAGEMENT AND IMPLICATIONS

1. Risks associated with the HIF scheme and making of the CPO and how they are mitigated are shown below.

Key Risks and Mitigation Summary			
	Risk Description	RAG	Mitigation Action/Strategy
1	Crown Interest – need consent of any Crown entity		Early engagement has commenced to get support of any Crown parties affected
2	Acquisition cost exceeding price estimate		Agents appointed to negotiate claims on SCC behalf and are reporting on any likely price estimate variation
3	Agreement to forward purchase sites not possible		SCC will rely on CPO
4	Requirement to pay compensation for depreciation in value by Injurious Affection/depreciation in value		Assessment and anticipation of such areas during land referencing and consideration of changes in design to exclude/reduce this possibility
5	Service of blight notice requiring SCC to acquire land earlier than anticipated		Ensure that Council authority is in place to deal with blight notices, and that a process is in place for dealing with these
6	Compulsory Purchase Order not made		A scheme cannot progress without Order being made. SCC are organised to apply for an Order and statement of case
7	Risk of claims being settled post closure of the HIF grant		The Council will engage with Homes England to agree a forward funding mechanism and to negotiate S106 developer contributions to mitigate funding shortfall
8	Requirement to purchase of additional Land		Assessment and anticipation of such areas during land referencing and consideration of changes in design to exclude/reduce the possibility of additional land costs

ANNEX 3:

EQUALITIES AND DIVERSITY

1. The Council is required to comply with its Public Sector Equality Duty (as set out in Section 149 of the Equality Act 2010). The decision to make the Order is one that this duty applies to and accordingly, the Council has commissioned the preparation of an Equalities Assessment (EqIA) to assess the potential impacts of the Scheme on groups with protected characteristics.
2. As indicated in the conclusions of the EqIA, Officers are satisfied that the acquisition of the sites will have an overall positive impact on, businesses, health and emergency services, schools and residents with different protected characteristics.
3. As a major transport scheme, this project can potentially contribute to many of the Community Vision goals:
 - Children and young people are safe and feel safe and confident – improvements to footways, cycleways and crossings should allow children in the area to travel more safely and independently. There are a number of schools in the vicinity of the works which need to be accessible for children and parents, particularly by walking and cycling: Salesian school – located on the A320 near Junction 6, an improved drop-off area at Salesian school reduces the need for school pupils to be dropped off in neighbouring streets Pyrcroft Grange primary school and Chertsey nursery school – located on Pyrcroft Road near Junction 1, Meath school – special needs school on Brox Road near Junction 10, Ottershaw C of E schools – primary schools near Junction 10.
 - Everyone benefits from education, skills and employment opportunities that help them succeed in life – reducing congestion and improving public transport and cycleways should allow more local people to safely use the transport network, and access employment opportunities.
 - Everyone lives healthy, active and fulfilling lives, and makes good choices about their wellbeing – improving footways, cycleways and the roadside environment should enable more walking and cycling activity in the area. New signalled toucan crossings should improve safety and journey opportunities for pedestrians with disabilities.
 - Residents live in clean, safe and green communities, where people and organisations embrace their environmental responsibilities – the scheme should significantly improve safety for pedestrians and cyclists and aims to maintain or improve biodiversity along the route. Upgraded footways and crossings, and more accessible bus stops, should improve travel opportunities for pregnant women and parents with young children.
 - Journeys across the county are easier, more predictable and safer – increasing network capacity will allow quicker, more predictable journeys, and the improved road infrastructure will be subject to thorough safety audits. Improvements to drainage will make the road network more resilient to flooding.
 - Everyone has a place they can call home, with appropriate housing for all – this scheme unlocks land for up to 3000 new homes in Runnymede.
 - Businesses in Surrey thrive – increasing network capacity will allow easier movement of people and goods.

- Well-connected communities, with effective infrastructure, that grow sustainably – the scheme should improve connectivity in the area, with better provision for walking and cycling, and improved access to bus services.

ANNEX 4:

HUMAN RIGHTS ACT 1998

1. Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights. The parts of the Convention rights which should be considered in the course of the making of the Order and leading up to the confirmation of the Order are Article 1 of the First Protocol and Articles 6 and 8 of the Convention.
2. Article 1 of the First Protocol of the Convention provides that every natural or legal person is entitled to the peaceful enjoyment of his possessions; and no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
3. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest.
4. If confirmed by the Secretary of State, the Order will affect the Article 1 rights of the present freeholders, leaseholders/occupiers comprised within the Order Land. However, there will be no violation of those rights where the steps taken are in the public interest and are lawful, as is required by Article 1 of the First Protocol (above) and Article 8 of the Convention (below).
5. Article 6 of the Convention provides that in the determination of his civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
6. All those affected by the Order will be notified of its making and have the opportunity to make objections to the Order and to be heard at a public inquiry before a decision is made on whether or not the Order should be confirmed by the Secretary of State. Those persons directly affected by the Order will also be entitled to compensation proportionate to any losses that they may incur as a result of any compulsory acquisition made pursuant to the Order. 29.
7. Article 8 of the Convention provides that:
 - (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
 - (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the

prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.

8. Article 8(1) is a qualified right and interference with it may be justified in appropriate cases by reference to Article 8(2). The scheme does not involve the acquisition of any building used for residential purposes.
9. If made, the Order will be made pursuant to section 239 (and the further provisions set out in this Report) of the Highways Act 1980 which authorises the Council to acquire land compulsorily subject to procedures laid down in the Acquisition of Land Act 1981. To justify interference with the above rights, the Council must consider that there is a compelling case in the public interest such that if the Order Land is acquired the public benefit will outweigh the private loss arising from that acquisition. Further, interference with Convention rights must be proportionate and justified in the public interest.
- 10.

In preparing this Report, Officers have carefully considered the balance to be struck between individual rights and the wider public interest and consider that, to the extent that the Order would affect those individual rights, the proposed interference with them would be in accordance with the law, necessary in the public interest and proportionate. Appropriate compensation will be made available to those entitled to claim it under the relevant provisions of the statutory Compensation Code.

11. It is therefore considered that the Scheme and the Order will not unduly infringe the rights of individuals which are provided by the European Convention on Human Rights.