



Civic Centre
HARTLEPOOL

13 March, 2023

Councillors Allen, Ashton, Boddy, Brash, Brown, Buchan, Cassidy, Clayton, Cook, Cowie, Cranney, Creevy, Falconer, Feeney, Fleming, Groves, Hall, Hargreaves, Harrison, Howson, Jackson, Leedham, Lindridge, Little, Loynes, Martin-Wells, Moore, Morley, D Nicholson, V Nicholson, Reeve, Sharp, Smith, Thompson, Tiplady and Young.

Madam or Sir,

You are hereby summoned to attend the COUNCIL meeting to be held on THURSDAY, 23 MARCH 2023 at 6.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

D McGuckin
Managing Director

Enc.

COUNCIL AGENDA



Thursday 23 March 2023

at 6.00 pm

**in the Council Chamber,
Civic Centre, Hartlepool.**

- (1) To receive apologies from absent Members;
- (2) To receive any declarations of interest from Members;
- (3) To deal with any business required by statute to be done before any other business;
- (4) To approve the minutes of the last meeting of the Council held on the 23 February 2023 as the correct record;
- (5) To answer questions from Members of the Council on the minutes of the last meeting of Council;
- (6) To deal with any business required by statute to be done;
- (7) To receive any announcements from the Chair, or the Head of Paid Service;
- (8) To dispose of business (if any) remaining from the last meeting and to receive the report of any Committee to which such business was referred for consideration;
- (9) To consider reports from the Council's Committees and to receive questions and answers on any of those reports;
 - (1) LGA Corporate Peer Challenge – Proposed Action Plan – Report of Finance and Policy Committee
 - (2) Constitution Review – Report of Constitution Committee
- (10) To consider any other business specified in the summons to the meeting, and to receive questions and answers on any of those items;

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

(11) To consider reports from the Policy Committees:-

- (a) proposals in relation to the Council's approved budget and policy framework;
 - (1) A19 / Elwick Road / North Lane Junction and Elwick Road / Hartlepool Western Link Project Compulsory Purchase Order (CPO), Side Roads Orders (SROS) and Slip Roads Order (SLRO) – Report of Finance and Policy Committee
- (b) proposals for departures from the approved budget and policy framework;

(12) To consider motions in the order in which notice has been received;

- (1) “In December 2022, Council unanimously agreed to put aside party politics and unite behind the call for greater investment into Hartlepool’s hospital.

This motion seeks to build upon that common ground and bring together members from all sides to back a specific proposal.

The North Tees and Hartlepool Foundation trust is currently bidding to bring a Centre of Excellence for Orthopaedic, Gynaecology and General surgery to Hartlepool at the Holdforth Road site.

Investing in our hospital in this way will improve patient care, get people who are currently economically inactive back into work and actually save money in the medium to long term.

A Centre of Excellence would make Hartlepool a beacon for hospital care in the North East. It's an important first step in securing our hospital's long term future.

Therefore, this Council resolves to:

- 1. Back the NHS’s plan to make our hospital a Centre of Excellence Orthopaedics, Gynaecology and General Surgery.
- 2. Write to the Secretary of State for Health urging him to approve the plan.
- 3. Write to the Chancellor urging him to approve the funding for the plan.”

Signed: Councillors Harrison, Brash, Allen, Boddy, Clayton, Creevy, Feeney, Hall, Hargreaves, Howson, Morley, Thompson and Sharp.

- (2) “Council recognises and applauds the menopause policy that has already been implemented within the authority, but notes there is still a



lack of understanding of the effects of menopause in other workplaces and wider society.

Council therefore resolves to:

- Work with partners to promote and educate on the impact and symptoms of the menopause to the wider public, including the challenges it can present to women in the workplace.
- Ensure that all staff have an understanding of the support available from health professionals and others if they are concerned about symptoms they may be experiencing.
- To support, continue and expand on the good work of HBC by working with partner organisations to ensure that as many employers across the Borough are 'Menopause Aware', including the need for flexible working, excellent working conditions with good ventilation, access to chilled drinking water and sanitary facilities.”

Signed: Councillors Harrison, Brash, Allen, Boddy, Clayton, Creevy, Feeney, Hall, Hargreaves, Howson, Morley, Thompson and Sharp.

- (13) To receive the Managing Director's report and to pass such resolutions thereon as may be deemed necessary;
- (14) To receive questions from and provide answers to the public in relation to matters of which notice has been given under Rule 9;
- (15) To answer questions of Members of the Council under Rule 10;
 - (a) Questions to the Chairs about recent decisions of Council Committees and Forums without notice under Council Procedure Rule 10.1
 - (b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 10.2
 - (c) Questions on notice to the Council representatives on the Police and Crime Panel and Cleveland Fire Authority
 - (d) Minutes of the meetings held by the Cleveland Fire Authority held on the 9 December 2022 and the Police and Crime Panel



COUNCIL

MINUTES OF PROCEEDINGS

23 February 2023

The meeting commenced at 6.00 pm in the Civic Centre

The Ceremonial Mayor (Councillor Cowie) presiding:

COUNCILLORS:

| | | |
|----------|-------------|--------------|
| Boddy | Brash | Brown |
| Cassidy | Clayton | Cranney |
| Creevy | Falconer | Feeney |
| Fleming | Groves | Hall |
| Harrison | Howson | Lindridge |
| Little | Loynes | Martin-Wells |
| Moore | D Nicholson | V Nicholson |
| Reeve | Sharp | Smith |
| Tiplady | Thompson | Young |

Officers: Denise McGuckin, Managing Director
Hayley Martin, Chief Solicitor
Chris Little, Director of Resources and Development
Connor Kerr, Julian Heward, Communications Team
Amanda Whitaker, David Cosgrove, Democratic Services Team

Prior to the commencement of the meeting, a minutes silence was observed as a mark of respect for former Mayoress, Brenda Cook.

A further minutes silence was observed for the one year anniversary of the illegal invasion of Ukraine by Russia.

112. APOLOGIES FOR ABSENT MEMBERS

Councillors Allen, Ashton, Buchan, Cook, Hargreaves, Jackson, Leedham and Morley.

113. DECLARATIONS OF INTEREST FROM MEMBERS

Councillor Moore – personal interest – agenda item 9.1.

114. BUSINESS REQUIRED BY STATUTE TO BE DONE BEFORE ANY OTHER BUSINESS

None.

115. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on the 26 January 2023, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

An elected member highlighted that he had raised a question at the meeting, which had not been allowed by the Chair and which had, therefore, not been included in the minutes.

116. QUESTIONS FROM MEMBERS OF THE COUNCIL ON THE MINUTES OF THE PREVIOUS MEETING OF THE COUNCIL

With reference to minute 105 – Medium Term Financial Strategy 2023/24 to 2025/26 – clarification was sought from an elected member regarding proposals which had been agreed by Full Council in relation to the Hartlepool Enterprise Centre. The Managing Director responded that this issue had been brought to her attention earlier in the week, by the Leader of the Council. It was clarified that the objective of the proposals in relation to the Hartlepool Enterprise Centre had been to secure the future of the centre and capital investment.

The Council's Community Asset Transfer policy does not permit the freehold sale and only in exceptional circumstances leases in excess of 35 years. This would not enable third sector organisation to access funding as funders required the security of the organisations owning the freehold. Therefore, in order to ensure barriers to accessing funding were minimised, the Hartlepool Enterprise Centre had been advertised on a normal sale basis as a going concern business centre. The Leader of the Council had asked the Managing Director to pause the process and investigate the issue.

With reference to minute 106 – Motion on Notice – an elected member requested an update on the timescale for the submission of the 'Community Payback' report to the Safer Hartlepool Partnership. The Managing Director responded that a report would be submitted early in the next municipal year. The member was assured that she would be notified of the date of the meeting.

117. BUSINESS REQUIRED BY STATUTE

None.

118. ANNOUNCEMENTS

None.

119. TO DISPOSE OF BUSINESS (IF ANY) REMAINING FROM THE LAST MEETING AND TO RECEIVE THE REPORT OF ANY COMMITTEE TO WHICH SUCH BUSINESS WAS REFERRED FOR CONSIDERATION.

None.

120. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

1. Hartlepool Mayor Development Corporation – Report of Finance and Policy Committee

The report referred from Finance and Policy Committee, a copy of which had been circulated, outlined work that had been carried out to secure sufficient safeguards and assurances within the Hartlepool Mayoral Development Corporation Constitution since Full Council had considered this matter on the 23 November.

Council's endorsement of the following recommendations of the Committee were sought:-

- a) Endorse the Hartlepool Mayoral Development Corporation Constitution
- b) Note the overarching principles governing asset transfer and that work will continue to agree financial compensation
- c) To provide comment to feed in to the Secretary of State consultation relating to the transfer of HBC owned assets
- d) Delegate authority to the Managing Director in consultation with the Chief Solicitor and s151 Officer to negotiate and agree the heads of terms and any accompanying MOU/Legal agreements between the MDC and the Council including the scheme of delegation in relation to the transfer and discharge of Planning powers.

The Committee's recommendations were moved by Councillor Moore.

Following presentation of the report, concerns were expressed by an elected member that the safeguards were not sufficient for a number of reasons. Concerns were expressed also that the publicly owned assets, which had been included in the asset transfer list, and subject to Secretary of State consultation, had been included as an exempt appendix to the report. Views were expressed that the list of assets should be available to the public.

It was moved by Councillor Brash and seconded by Councillor Boddy:-

"That the Hartlepool Borough Council assets, included on the Hartlepool Development Corporation Asset Transfer list, be put in public domain".

Whilst acknowledging the concerns, elected members debated the implications of the information being publicly available when details could change.

In accordance with Council Procedure Rule 15.5 of the Constitution, a recorded vote was taken:-

Those for:-

Councillors Boddy, Brash, Clayton, Creevy, Falconer, Feeney, Hall, Harrison, Howson, Sharp, Smith and Thompson

Those against:-

Councillors Brown, Cassidy, Cowie, Cranney, Fleming, Groves, Lindridge, Little, Loynes, Martin-Wells, Moore, D Nicholson, V Nicholson, Reeve, Tiplady and Young.

Those abstaining:-

None.

It was announced that the vote had been lost.

Following the vote, a number of elected members continued to express their concerns that the safeguards and assurances were not sufficient.

It was moved by Councillor Moore and seconded by Councillor Young that the vote be put.

The vote on the recommendations of the Finance and Policy Committee were agreed unanimously.

121. TO CONSIDER ANY OTHER BUSINESS SPECIFIED IN THE SUMMONS OF THE MEETING

None.

122. REPORT FROM THE POLICY COMMITTEES

(a) Proposal in relation to the Council's budget and policy framework

(1) Capital Programme 2023/24 to 2026/27 – Report of Finance and Policy Committee

The report enabled Full Council to consider the Capital Strategy for 2023/24 to 2026/27 and Capital Programme new starts 2023/24 to 2026/27 as recommended by the Finance and Policy Committee. A copy of the report which had been considered by the Committee on 13th February 2023, had been circulated to all elected members. The report drew together the Capital

Programme and Capital Strategy, aligning them with the Medium Term Financial Strategy (MTFS) and Treasury Management Strategy as an integral part of the Council's Strategic and Financial Planning Framework.

The Chair confirmed that the Capital Strategy document was a living document that would change when the Council successfully bids for further new capital funding, or the Government made allocations using established grant formula and to reflect the recommendations of the corporate peer review.

The Committee had recommended that Full Council;

- i) approve the Capital Strategy for 2023/24 to 2026/27, at Annex 1 – Appendix 1. The strategy is a requirement of the Prudential Capital Code.
- ii) approve the Capital Programme new starts 2023/24 to 2026/27, as set out at Annex 1 - Appendix 10.

In response to clarification sought regarding updates being provided to elected members, the Managing Director advised that regular updates would be submitted to the Finance and Policy Committee. The Chair of the Economic Growth Committee advised that updates regarding progress of individual programmes would be added to the agenda for his Committee also.

The recommendations of the Finance and Policy Committee were agreed without dissent.

- (2) Medium Term Financial Strategy 2023/24 - Statutory Budget and Council Tax Determination – Report of Finance and Policy Committee

The Chair of Finance and Policy Committee advised Full Council that the annual statutory report required Council to approve the overall Council Tax level reflecting this Council's own Council Tax, the independent decisions made by the Police and Crime Commissioner, Cleveland Fire Authority and Parish precepts.

The report also provided an update on the final Local Government Finance Settlement for 2023/24 announced on 6th February.

The Committee had recommended that Full Council:-

- i) Note the final settlement provides an increase in Government funding of £45,000, and approve the use of this increase to reduce the approved use of the Budget Support Fund from £1.516m to £1.471m.

Statutory Council Tax calculations

- i) Approve the statutory budget calculation for the Council budget as detailed in Appendix A and approve the detailed supporting departmental budgets detailed in the separate booklet circulated with the agenda;
- ii) Approve the statutory Council Tax calculations detailed in Appendix A, which includes the Council Tax increases approved by the individual precepting bodies.

In accordance with Council Procedure Rule 15.6 of the Constitution, a recorded vote was taken:-

Those for:-

Councillors Brown, Cassidy, Cowie, Cranney, Falconer, Fleming, Groves, Lindridge, Little, Loynes, Martin-Wells, Moore, D Nicholson, V Nicholson, Reeve, Smith and Young.

Those against:-

Councillors Boddy, Brash, Clayton, Creevy, Feeney, Hall, Harrison, Howson, Sharp and Thompson.

Those abstaining:-

None.

It was announced that the vote had been carried.

(b) Proposal for Departure from the Budget and Policy Framework

None.

123. MOTIONS ON NOTICE

None.

MANAGING DIRECTOR'S REPORT

124. PAY POLICY 2023/2024

The Managing Director reported that under Section 38 of the Localism Act (2011), Full Council had to approve a Pay Policy Statement on an annual basis. The updated document for 2023/24 had been circulated for consideration by Full Council.

RESOLVED – That the Pay Policy Statement 2023/24 be approved.

125. ELECTIONS - 4 MAY 2023 – POLLING STATIONS

Elected Members were requested to note that due to unavailability and to ensure compliance with the Elections Act 2022, polling station changes had been implemented as detailed in the report.

RESOLVED – That the report be noted.

126. SPECIAL URGENCY DECISIONS

In accordance with the requirements of the Access to Information Procedure Rules included in the Council's Constitution, Full Council was informed that no special urgency decision had been taken in the period November 2022 – January 2023.

RESOLVED – That the report be noted.

127. TREASURY MANAGEMENT STRATEGY 2023/24

The Managing Director reported that the Local Government Act 2003 required Full Council to determine a Treasury Management Strategy for borrowing and to prepare an Annual Investment Strategy which sets out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments. The recommended strategy had been considered by the Audit and Governance Committee on 9 February 2023; a copy of the report submitted to the Committee was appended to the report.

RESOLVED – That the recommendation from the Audit and Governance Committee to approve the following detailed recommendations for the 2023/24 Treasury Management Strategy and related issues be approved;

Borrowing Strategy 2023/24

- i) Core borrowing requirement – following the securing of exceptionally low interest rates approve that the remainder of the under borrowing is netted down against investments.
- ii) To note that in the event of a change in economic circumstances that the Director of Resources and Development may take out additional borrowing if this secures the lowest long term interest cost.
- iii) To authorise the Director of Resources and Development to implement Treasury Management arrangements which minimise the short and long term cost to the Council.

Investment Strategy 2023/24

- iv) Approve the Counterparty limits as set out in paragraph 7.7 of Appendix B.

Minimum Revenue Provision (MRP) Statement

- v) Approve the MRP statement outlined in paragraph 8.3 of Appendix B.

Prudential Indicators 2023/24

- vi) Approve the prudential indicators outlined in Appendix C.

128. STATUTORY OFFICER

The Managing Director reported that the Finance and Policy Committee had approved the revised senior leadership structure, which provided a small recurring saving. The Appointments Panel had appointed James Magog as the Director of Finance, IT and Digital. Full Council was asked to designate the post and individual as Section 151 officer with effect from 1st June 2023.

RESOLVED – That James Magog, Director of Finance, IT and Digital be designated Section 151 Officer with effect from 1st June 2023.

129. PUBLIC QUESTION

Two public questions had been received as follows:-

1. Question from Georgia Churchill to Chair of Children's Services Committee

“As Member of Youth Parliament, I would like to ask for councillors cooperation in making sure the Well-being in Schools Report is acknowledged and used by all schools within Hartlepool. May I also ask for further cooperation in my work within schools in the future?”

Councillor Lindridge, Chair of Children's Services Committee, responded by thanking Georgia for her question and drawing attention to this important piece of work she had undertaken on behalf of young people in her role as Member of Youth Parliament for Hartlepool.

The Chair advised that the report had been shared with him earlier this year and Georgia had raised many contrasting and meaningful points that could be the focal point for improving the service offer for young people. The Chair had looked at the recommendations and the Ambassador role along with peer support groups appeared to be an important step that could encompass the needs of the many. Creating a safe space for students to talk freely is a vital

part of any listening process and as the report concluded opinions matter and it is equally important that young people's voices are heard in schools.

The report had been shared with secondary schools in Hartlepool, as well as internally with a range of staff working with children and young people. The report had been well received by the schools and had been taken to the secondary headteachers meeting by Mark Tilling, Headteacher at High Tunstall. At this meeting, the headteachers had considered the report and discussed the findings. Schools had agreed to take the recommendations into consideration when offering support and interventions to young people in their schools. To complement this, council officers also shared the Emotional Wellbeing Pack with the Heads that contains a range of useful tools that can be used by staff supporting the emotional health and wellbeing of young people and also signposting information to other support and services that can assist them. Schools noted their intention to use these resources and share this information with young people.

The report had been also discussed at the Council's Emotional Wellbeing Group which is a multi-agency subgroup of the Children's Strategic Partnership so that those who are developing and delivering services for young people hear and take into account the voice of young people. This meeting includes colleagues from health who work in the Integrated Care Board who are responsible for the commissioning of mental health and wellbeing services for young people.

Full Council was advised that the Youth service is currently working with Georgia and other young people on a mapping exercise that identifies all the support offered to young people across Hartlepool. Once the mapping is completed, this will be developed into visual design that will go out to all schools, colleges and other services on behalf of and for young people.

Talking to schools, the Chair advised that he was confident that they value the work Georgia had completed to date and are keen to continue to work with her and other young people to strengthen the emotional health and wellbeing support available to young people in school. Likewise, the Committee Chair informed Full Council that he would continue to support and reinforce "The voice of the Child" in his capacity as Children's Champion

An elected member advised that under Council Procedure Rule 9, Council could not debate issues arising from the question. However, the member highlighted that a particular procedure rule could be suspended which would allow him to share information which he had from Georgia.

Full Council agreed to suspend Council Procedure Rule 9.1. It was highlighted by the Chief Solicitor that the suspension would apply only to this question.

The elected member advised Full Council that he had met with Georgia and other young people who had contributed to the report who had informed him that they had not received any feedback and had expressed their disappointment at the lack of response. The Chair of Children's Services

Committee undertook to take up this issue with Georgia and the Director, Children's and Joint Commissioning Services.

2. Question from Owen Twidale to Chair of Neighbourhood Services Committee

“Has the impact on small businesses been formally assessed with regards to reintroducing parking charges in the town centre?”

Councillor Cassidy, Chair of Neighbourhood Services Committee, responded that he understood the question arose from the cessation of the Tees Valley Combined Authority-funded initiative. The initiative had been introduced in 2021 and allowed motorists to park for free for up to three hours in council-run town centre pay and display car parks in Hartlepool. It was highlighted that this was always a temporary initiative and it was known that the charges would be reintroduced on 31st January 2023. The significant impact of inflation on budgets meant the Authority could not afford to replace the funding provided by the Combined Authority as other services would have needed to be cut.

The Chair understood that the TVCA Cabinet may be reconsidering the funding and while not wishing to pre-empt any decision, the Chair hoped the funding could be extended.

The Committee chair responded to supplementary questions raised at the meeting whether there had been any formal assessment and what plans had been put in place given it was known that the charges would be reintroduced. The questioner advised Full Council that the tariff charges applicable to different car parks did not support small businesses.

130. QUESTIONS FROM MEMBERS OF THE COUNCIL

- a) Questions to the Chairs about recent decisions of Council Committees and Forums without notice under Council Procedure Rule 12.1

None.

- b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 12.2

One question has been received from Councillor Brash to Chair of Economic Growth and Regeneration Committee as follows:-

“Can the chair of economic growth explain why he does not believe Hartlepool businesses should receive a discounted rate for trading at the forthcoming Tall Ships event?”

Councillor Young, Chair of the Economic Growth and Regeneration Committee, highlighted that Tall Ships 2023 is a major international event. The event runs over 4 days; it is not ticketed and is free to attend. The pricing structure for Trade, Concessions and Exhibitions does not reflect the costs usually charged

with an event of this scale; the prices had been reduced significantly below the national average.

Elected Members were advised that the Council had engaged over 160 local businesses and presented the proposed pricing structure, no negative feedback or questions had been raised by any business regarding the prices, all feedback was positive and businesses were excited about the great opportunities the event provides. Hartlepool registered businesses were notified in advance of the application process, advised of the requirements for documents to be uploaded, shown the site plan and the prices to allow them to prepare their application ahead of the wider market. Hartlepool registered businesses were made aware that applications had opened ahead of the wider market allowing them to get their applications in first.

It is very unlikely that all trader and vendor requirements could be fulfilled by Hartlepool businesses only and it's important to have an equitable pricing structure that creates a balance between supporting local businesses and managing the financial viability of the event, which is reliant on generating adequate income as part of the trader offer to be reinvested back into the event infrastructure. This is potentially the biggest free family event in the UK in 2023, allowing a massive opportunity for local business to generate a significant amount of income in return. There are no ticket costs for residents encouraging more spend across site. There are costs involved in the provision of infrastructure required for traders and this cost burden could not be carried by the Council, therefore, costs are reflective of this.

Full Council was advised that £2m investment to deliver the event had been secured from Tees Valley Combined Authority and the economic impact is expected to benefit Hartlepool and the wider Tees Valley as part of the investment business case for Tall Ships. A previous Finance and Policy Committee decision identified that any additional costs above and beyond the £2m investment should be secured from income generation, sponsorship, grant funding and other sources wherever possible which is a potential pressure based on the current inflationary pressures within the event expenditure. Many businesses from outside of Hartlepool employ Hartlepool residents or positively benefit supply chains in Hartlepool, therefore, it is not always appropriate to discriminate a business based on post code alone.

During the debate which followed the response, Councillor Brash advised that he had received e-mails from Hartlepool businesses that they had responded unfavourably to the proposed pricing structure. Councillor Brash urged support for the pricing structure to be reviewed to shift the pricing model. The Committee Chair responded that Officers had a pricing model which was economically sound and he did not consider the model should be reviewed. It was reiterated that based on the information he had been given, no negative feedback or questions had been raised by the 160 local businesses regarding the prices.

- c) Questions on notice to the Council representatives on the Police and Crime Panel and Cleveland Fire Authority

None.

- d) Minutes of the meetings held by the Cleveland Fire Authority and the Police and Crime Panel

Minutes of the meetings held by the Police and Crime Panel held on 5 July 2022 and 13 September 2022 were noted.

The meeting concluded at 7.15 p.m.

CEREMONIAL MAYOR



Report of: Finance & Policy Committee

Subject: LGA CORPORATE PEER CHALLENGE PROPOSED ACTION PLAN

1. PURPOSE OF REPORT

- 1.1 To present to members the proposed action plan in response to the recommendations identified through the LGA Corporate Peer Challenge held in December 2022.

2. BACKGROUND

- 2.1 The LGA corporate peer challenge (CPC) approach involves a team of experienced officers and members spending time with another council as 'peers' to provide challenge and share learning. The LGA expects that all councils will complete a CPC at least every five years. The last CPC that took place in Hartlepool was in September 2012. Peer challenges are an established tool that supports councils to drive improvements and efficiency.
- 2.2 The Corporate Peer Challenge (CPC) covered five core elements, and two additional areas
- Local priorities and outcomes
 - Organisational and place leadership
 - Governance and culture
 - Financial planning and management
 - Capacity for improvement, *and*
 - Organisation risk and resilience,
 - Economic regeneration.

3. PROPOSED ACTION PLAN

- 3.1 As part of the CPC process the Council is required to publish an action plan setting out how it will respond to the recommendations that the Peer Team made within 6 weeks of publishing the feedback report.

- 3.2 Six months after a CPC, the LGA organises a check-in meeting. This is a facilitated session which creates space for the council's senior leadership to explore progress and challenges with the peers, and discuss their next steps. This is due to take place on 30th August 2023.
- 3.3 Finance and Policy Committee considered the action plan at its meeting of 13th March 2023, and agreed to refer this to full Council

4. OTHER CONSIDERATIONS

| | |
|---|---|
| Risk Implications | The Council's approach to risk has been considered as part of the Corporate Peer Challenge. The proposed action plan includes actions related to the Council's risk management framework and also the organisation's appetite for risk. |
| Financial Consideration | The Council's approach to finance has been considered as part of the Corporate Peer Challenge. The proposed action plan includes actions related to the Council's medium term financial strategy, capital strategy and programme and the management of budgets across the organisation. |
| Legal Considerations | No relevant issues. |
| Consultation | The CPC undertook consultation with relevant individuals and groups as part of the review. The specifics of which have been included and considered within the feedback report. In addition the action plan includes actions relating to consultation and engagement |
| Child / Family Poverty | No relevant issues. |
| Equality and Diversity | The Council's approach to equality and diversity has been considered as part of the Corporate Peer Challenge. The action plan includes an action in relation to equality, diversity and inclusion |
| Section 17 of the Crime and Disorder Act 1998 | No relevant issues. |
| Staff | No relevant issues. |

| | |
|--|---------------------|
| Asset Management | No relevant issues |
| Environment, Sustainability and Climate Change | No relevant issues. |

5. RECOMMENDATIONS

- 5.1 Members are asked to approve the proposed action plan referred from Finance and Policy Committee produced in response to the recommendations from the Corporate Peer Challenge.

6. REASONS FOR RECOMMENDATIONS

- 6.1 Following the CPR councils are required to approve an action plan.

7. BACKGROUND PAPERS

Finance & Policy Report - Corporate Peer Challenge – 20th June 2022
 Finance & Policy Report – HBC Corporate Peer Challenge Feedback report
 23rd January 2023.
 Finance & Policy Report – LGA Corporate Peer Challenge – Proposed Action
 Plan, 13th March 2023.

8. CONTACT OFFICERS

Denise McGuckin
 Managing Director

FINANCE AND POLICY COMMITTEE

13th March 2023



Report of: Managing Director

Subject: LGA Corporate Peer Challenge – Proposed Action Plan

1. TYPE OF DECISION/APPLICABLE CATEGORY

Non-key decision.

2. PURPOSE OF REPORT

- 2.1 To present to members the proposed action plan in response to the recommendations identified through the LGA Corporate Peer Challenge following held in December 2022.

3. BACKGROUND

- 3.1 The LGA corporate peer challenge (CPC) approach involves a team of experienced officers and members spending time with another council as 'peers' to provide challenge and share learning. The LGA expects that all councils will complete a CPC at least every five years. The last CPC that took place in Hartlepool was in September 2012. Peer challenges are an established tool that supports councils to drive improvements and efficiency.
- 3.2 It has been 10 years since the last CPC took place in Hartlepool and there has been a lot of change in that time. The Council now has an established committee based system of governance and has faced year on year reductions in core budgets over a prolonged period of time. It is therefore timely to review our strengths and areas for improvement with support from external peers who have relevant knowledge and experience to share.
- 3.3 The Corporate Peer Challenge (CPC) covered five core elements:
- Local priorities and outcomes
 - Organisational and place leadership
 - Governance and culture
 - Financial planning and management
 - Capacity for improvement

- 3.4 The CPC were requested to reflect on the Council's approach in two additional areas which were
- Organisation risk and resilience, and
 - Economic regeneration.
- 3.5 Following our CPC in December we received a comprehensive feedback report and recommendations from the peer team which was shared with elected members in January 2023.

4. PROPOSED ACTION PLAN

- 4.1 As part of the CPC process the Council is required to publish an action plan setting out how it will respond to the recommendations that the Peer Team has made within 6 weeks of publishing the feedback report.
- 4.2 As agreed at Council in January all elected members were invited to share their thoughts on what should be included within the action plan. Those responses have been considered alongside the thoughts of the Senior Management Team (SMT) and the proposed action plan is attached as **APPENDIX 1** for members to agree.
- 4.3 Six months after a CPC, the LGA organises a check-in meeting. This is a facilitated session which creates space for the council's senior leadership to explore progress and challenges with the peers, and discuss their next steps. This is due to take place on 30th August 2023.

5. RISK IMPLICATIONS

- 5.1 The Council's approach to risk has been considered as part of the Corporate Peer Challenge. The proposed action plan includes actions related to the Council's risk management framework and also the organisation's appetite for risk.

6. FINANCIAL CONSIDERATIONS

- 6.1 The Council's approach to finance has been considered as part of the Corporate Peer Challenge. The proposed action plan includes actions related to the Council's Medium Term Financial Strategy, capital strategy and programme and the management of budgets across the organisation.

7. CONSULTATION

- 7.1 The CPC undertook consultation with relevant individuals and groups as part of the review. The specifics of which have been included and considered within the feedback report. In addition the action plan includes actions relating to consultation and engagement.

8. EQUALITY AND DIVERSITY CONSIDERATIONS

- 8.1 The Council's approach to equality and diversity was considered as part of the Corporate Peer Challenge. The action plan includes an action relation to equality, diversity and inclusion.

9. OTHER CONSIDERATIONS

| | |
|---|---------------------|
| Legal Considerations | No relevant issues. |
| Child and Family Poverty Considerations | No relevant issues. |
| Staff Considerations | No relevant issues. |
| Asset Management Considerations | No relevant issues. |
| Environment, Sustainability and Climate Change Considerations | No relevant issues. |

10. RECOMMENDATIONS

- 10.1 Finance and Policy Committee are requested to note proposed action plan produced in response to the recommendations from the Corporate Peer Challenge and refer this on to full Council for approval.

11. REASONS FOR RECOMMENDATIONS

- 11.1 The LGA expects that all Councils will complete a CPR at least every five years, it has been 10 years since the last CPC took place in Hartlepool.

12. BACKGROUND PAPERS

- 12.1 Finance and Policy Report - Corporate Peer Challenge – 20th June 2022.

Finance and Policy Report – LGA Corporate Peer Challenge Feedback Report – 23rd January 2023

13. CONTACT OFFICERS

13.1 Denise McGuckin
Managing Director
01429 523001
denise.mcguckin@hartlepool.gov.uk

Sign Off:-

Managing Director



Director of Resources and Development



Chief Solicitor



Corporate Peer Challenge – Action Plan

| Recommendation | Current position | Action(s) to be explored | Lead Officer | Timeframe |
|---|--|---|-------------------|--------------------------|
| 1. Develop a clear vision and narrative for the whole Borough of Hartlepool which all councillors, staff and partners can get behind, ensuring there is a clear link to strategies, plans and understanding of local community needs. | The Council has agreed with partners a number of shared strategies and plans for Hartlepool including the Town Centre Masterplan, Health and Wellbeing Strategy and Community Safety Plan. However, there is no single, clear vision and narrative for the whole Borough of Hartlepool which is owned by all stakeholders. | i) Develop a 10 year vision and narrative for the whole of Hartlepool which is informed by robust data and intelligence and engagement with various stakeholders. | Managing Director | January 2024 |
| | | ii) Review current partnership arrangements to enable broader stakeholder engagement and ownership of Hartlepool priorities. | Managing Director | September / October 2023 |
| | | iii) Identify a stakeholder and networks map for the Borough and where relationships are managed across the Council. | Managing Director | September / October 2023 |

| Recommendation | Current position | Action(s) to be explored | Lead Officer | Timeframe |
|--|--|---|-------------------|-------------------------|
| 2. Refresh the organisational plan for HBC - setting out the next stage of the journey for the Council, linked to a clear approach to transformation and values. | <p>The Council Plan 2021/22-2023/24 sets out our vision for Hartlepool. It is an ambitious document which reflects the priorities that were identified through extensive consultation with residents, elected members, workforce and our public, voluntary, community and private sector partners whilst also recognising the emerging and continually evolving challenges the Council faces from the covid-19 pandemic.</p> <p>Activity to deliver the Council Plan is captured in a range of delivery plans and regular progress updates are considered by the Corporate Management Team and Finance and Policy Committee. Annual reports are also produced.</p> <p>The Senior Management Team have been working collectively to identify a clear set of values for the Council. These are ready to be articulated to the workforce.</p> | i) Undertake a comprehensive consultation and engagement programme with stakeholders (staff, elected members, VCS, business, public sector and local residents) focusing on the priorities for the 10 year narrative, the new Council Plan, the Council's budget and other Council strategies such as the Health and Wellbeing and Poverty. | Managing Director | October / November 2023 |
| | | ii) Review and update the Council's Performance and Risk Management Frameworks to ensure that they are fit for purpose, better able to demonstrate the progress being made and clearly identify and articulate the consideration of risk throughout the organisation. | Managing Director | December 2023 |
| | | iii) Undertake an exercise with all staff to promote and strengthen the Council's culture and values. | Managing Director | May 2023 |
| | | iv) Ensure that the Council's culture and values are embedded within the Council Plan. | Managing Director | March 2024 |

6.1 Appendix 1

| Recommendation | Current position | Action(s) to be explored | Lead Officer | Timeframe |
|---|---|--|---|--------------------------|
| | | v) Agree a new 3 year Council Plan. | Managing Director | March 2024 |
| 3. Review the existing operational arrangements (e.g. structure and operating model). | Report taken to Finance and Policy Committee in January 2023 with recommendations on the Chief Officer structure of the Resources and Development Department. | i) Deliver the Chief Officer restructure as agreed by Finance and Policy Committee. | Managing Director | June 2023 |
| | | ii) Review existing governance arrangements including Committee delegations and frequency. | Director of Legal, Governance & HR Services | May - September 2023 |
| | | iii) Review the Council's strategies, plans and priorities and how they 'knit together' corporately. This will also consider how capacity, skills and resources are aligned to key organisational goals and risks. | Managing Director | September / October 2023 |
| 4. Revisit the Workforce Strategy to ensure it is fit for purpose. | Work on a new Workforce Strategy is currently underway. | i) Review the draft Workforce Strategy to ensure that it is embed and collectively owned and links to our activities on equality, diversity and inclusion. | Director of Legal, Governance & HR Services | September 2023 |

6.1 Appendix 1

| Recommendation | Current position | Action(s) to be explored | Lead Officer | Timeframe |
|---|---|--|---|---------------|
| 5. Develop a centrally led Communications, Engagement and Marketing Strategy, with a higher profile and an internal and external focus. | There is no single Communications, Engagement and Marketing Strategy in place for the Council. However, activity is delivered across various parts of the Council supported by a core corporate team. | i) Utilise LGA support to develop a new Communications, Engagement and Marketing Strategy for the Council. | Assistant Director – Development and Growth | October 2023 |
| 6. Invest further in Member development to support councillors in their Council and community leadership roles and to ensure the governance system functions efficiently and effectively. Consider the introduction of a ward budget for Councillors. Role model positive behaviours. | Induction and annual member development programmes are in place for elected members and new opportunities are shared as they become available throughout the year. | i) Utilise support from the LGA to review the existing Member Development Programme and work with elected members to understand what they want and need from the Member Development Programme so that it can be tailored to fit. | Director of Legal, Governance & HR Services | May 2023 |
| | The Council previously had individual budgets for ward members but these were taken out of the budget as a previous years saving. | ii) Consider the proposal of reintroducing ward budgets for Councillors including how these could be financed within the Council's existing budget constraints. | Director of Finance, IT & Digital Services | December 2023 |

6.1 Appendix 1

| | | | | |
|---|---|---|---|---------------------------|
| 7. Reconvene Group Leaders meetings to improve relationships and communications between political groups on strategic issues for the benefit of the Borough. | Although there have been Group Leader briefings in the past there are currently no active arrangements to bring them together on a regular basis. | i) Reintroduce bi-monthly briefings with Group Leaders supported by the Managing Director. | Managing Director | June 2023 |
| | | iii) Through Group Leaders sessions provide support to Group Leaders so that they are sighted on opportunities and challenges in relation to Council priorities and role model positive behaviours supporting our culture and values. | Managing Director | June 2023 and ongoing |
| 8. Strengthen longer-term financial sustainability by developing: a) a longer-term Medium Term Financial Plan, including scenario analysis, to inform the development of a Financial Strategy b) a Corporate Capital Strategy and Corporate Asset Management Plan c) review the approach to budget development | | a) i) Develop a 3 year Medium Term Financial Strategy with detailed one year plans. | Director of Finance, IT & Digital Services | December 2023 |
| | | b) i) Capital Strategy and Capital Programme 2023/24 – 2026/27 considered and approved by Finance and Policy Committee and Council in February. | Assistant Director (Finance) | Completed - February 2023 |
| | | b) ii) Develop Corporate Asset Management Plan for approval by Finance and Policy Committee. | Assistant Director (Development and Growth) | June / July 2023 |

6.1 Appendix 1

| | | | | |
|--|--|---|--|-----------------------|
| <p>to ensure greater ownership</p> <p>d) a better understanding of HBC's appetite for risk across all its activities</p> <p>e) an organisational approach to service transformation, procurement and municipal enterprise supported by requisite skills and capacity to support delivery</p> | | c) i) Introduce an internal budget development training programme for all officers involved in managing budgets. | Director of Finance, IT & Digital Services | July 2023 |
| | | c) ii) Introduce a financial training programme for all members, as part of their inductions and as part of sitting on policy committees. | Director of Finance, IT & Digital Services | September 2023 |
| | | d) i) Undertake an exercise to establish HBC appetite for risk regarding current and future opportunities ,based on our Council Plan priorities. | Director of Finance, IT & Digital Services | June – September 2023 |
| | | e) i) As part of d) i) above, review the level of capacity and skills already within the Council to determine whether there is a need to rebuild corporate capacity or provide training opportunities for staff in order to deliver on our priorities for service transformation, procurement and municipal enterprise. | Managing Director | June – September 2023 |

6.1 Appendix 1

| | | | | |
|---|--|--|---|---------------------------|
| 9. Develop an explicit level of prioritisation for the Capital Programme and selective approach to future funding bids based on how these link to the vision. | Preparation of a Capital Strategy and Capital Programme covering 2023/24 – 2026/27 underway. | i) Capital Strategy and Capital Programme 2023/24 – 2026/27 considered and approved by Finance and Policy Committee and Council in February. | Director of Finance, IT & Digital Services | Completed - February 2023 |
| | | ii) Include a section in all committee reports linking recommendations to the 6 Council Plan priorities. | Director of Legal, Governance & HR Services | June 2023 |

COUNCIL
23 March 2023



Report of: CONSTITUTION COMMITTEE

Subject: Further Periodic Review of the Council's Constitution

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to enable Full Council to consider the reports to be considered by the Constitution Committee (Appendix 1 and 2) regarding proposed changes to the Constitution which have arisen since the previous review of the Constitution.

2 BACKGROUND

2. The Council's Constitution at Article 14 ("Review and Revision of the Constitution") requires that the Monitoring Officer "will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect."
- 2.2 On 21 November, 2022, the Committee recommended a number of changes to the Constitution. This report addresses issues which have arisen since the November meeting of the Committee and proposed changes to the Constitution to reflect the Council's and Parish Councils' commitment to work together as detailed in the newly created Parish Charter.

3. PROPOSALS

- 3.1 The Constitution Committee meeting on 14 March 2023 will consider the attached reports which propose changes to the Constitution with regard to the following issues:-
- Extraordinary Council meetings – A copy of a draft Protocol on Calling Extraordinary Council meetings to be appended to the Council Procedure Rules.
 - Procurement Social Value Statement of Intent – A copy of the Statement of Intent to be added to the Contract Procedure Rules and a copy of the Statement appended to those Procedure Rules

- Planning Delegations – Amended wording to the Scheme of Delegation as set out in the report
- Guidance Note – Political Balance – That the principles covering proportionality for elected members, who are not aligned to a ‘political group’, be reconsidered by the Committee.
- Budget and Policy Framework – That those Plans and Strategies which are not legally required to be approved/adopted by Full Council be removed from the Budget and Policy Framework.
- Changes required to the Constitution to allow implementation of the Parish Charter.

4. RECOMMENDATIONS

- 4.1 To consider the recommendations of the Committee which will be reported verbally to elected members at the Full Council meeting.

CONSTITUTION COMMITTEE

14 March 2023



Report of: Chief Solicitor/Monitoring Officer

Subject: FURTHER PERIODIC REVIEW OF THE COUNCIL'S CONSTITUTION

1. PURPOSE OF REPORT

- 1.1 To seek a view from the Committee regarding proposed changes to the Constitution prior to consideration of the changes by Council on 23 March 2023.

2. BACKGROUND

- 2.1 The Council's Constitution at Article 14 ("Review and Revision of the Constitution") requires that the Monitoring Officer "will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect."
- 2.2 On 21 November, 2022, the Committee recommended a number of changes to the Constitution. It had been agreed by the Committee on 1st July 2022, that for this year, unless an issue is raised through year, no further review is required this year. This report addresses issues which have arisen since the November meeting of the Committee.

3. PROPOSALS

- 3.1 The following issues have arisen since the Committee met last:-

Extraordinary Council Meetings

It has been proposed that a Protocol on Calling Extraordinary Council meetings be appended to the Council Procedure Rules. A copy of a draft Protocol is appended to this report (**Appendix A**) for members consideration.

Procurement Social Value Statement of Intent

Following approval by Full Council of a Motion relating to social value, the Economic Growth and Regeneration Committee considered a number of reports and a Statement of Intent was approved by the Committee on 24

January. A report was submitted to Finance and Policy Committee on 13 February.

Elected Members were advised that the Social Value Statement of Intent (**Appendix B**), is drafted to ensure that Social Value principles are applied in a way that enables the Council to maximise economic, social and environmental benefits for Hartlepool and its residents. It is intended that the Statement of Intent would be imbedded within the Contract Procedure Rules and set out aspirations, which are aligned to the Hartlepool 'Council Plan.

The Finance and Policy Committee approved the Statement of Intent and referred it to this Committee to be incorporated in to the Councils Contract Procedure Rules within the Constitution.

This Committee is recommended to approve reference to the Statement of Intent being added to the Contract Procedure Rules and a copy of the Statement being appended to the Procedure Rules.

Planning Delegations

Following Full Council approving the amendments to the planning committee delegations recommended by this committee, a subsequent change is proposed to reflect the changes.

The following amendments to the Scheme of Delegation are therefore proposed:-

Director of Neighbourhoods and Regulatory Services power to carry out all of the functions of the committee in functions 1-5, subject to the following provisions:

(1) Matters which must be referred to Committee for decision:

*1 b) Any application which has received more than two material planning objections from separate addresses, **unless the officer recommendation is to refuse the application, and except in cases relating to the determination of a Lawful Development Certificate.***

*(2) Matters which may be refused **(for the avoidance of doubt including an application which has received more than two material objections from separate addresses)** a) Any application which is materially contrary to planning policy b) Any application relating to prior notifications.*

Members are asked to consider the amended wording.

Guidance Note – Political Balance

The Guidance Note – Political Balance – set out in the Constitution includes a number of “principles” covering proportionality. Traditionally, the Council had

‘grouped’ together those Elected Members who are not aligned to a ‘political group’ in order to ensure that the representation upon Council Committees, is so far as is reasonably practicable, broadly representative and reflective of the composition of the Council as a whole. At the meeting of this Committee, on 4 March 2019, it was highlighted that this was an issue which had been queried by Members on a number of occasions and therefore as part of this review of the Constitution, Members may wish to consider whether to continue this practice.

The Committee agreed to recommend to Full Council that with regard to calculating proportionality, Independent Members, not aligned to a political group, be considered as individuals for the purposes of allocation of seats to Committees and should not be grouped together for these purposes. Council, on 21 March 2019, agreed the recommendation of the Committee and the Guidance Note was updated accordingly.

It has been proposed that the principles covering proportionality for elected members who are not aligned to a ‘political group’ be reconsidered by the Committee.

Budget and Policy Framework

A review of the policies and strategies contained within the Budget and Policy Framework rules has been completed following feedback from the Corporate Peer Review.

The majority of policies and strategies contained within the current Policy Framework are required to be approved/adopted by Full Council in accordance with the Local Authorities (Committee System) (England) Regulations 2012, namely:

- Community Safety Plan
- The plans and strategies which together comprise the Local Plan
- Local Council Tax Support Scheme
- Medium Term Financial Strategy
- Licensing Policy and Statement of Licensing Principles (Gambling Act)
- Annual Library Plan (if required)
- Youth Justice Plan
- Local Transport Plan

Over the years other strategies have been added including:

- Child and Family Poverty Strategy
- Health and Wellbeing Strategy
- Council Plan
- Housing Strategy

These plans and strategies are not legally required to be approved/adopted by Full Council and Members are asked to consider removing these from the

Budget and Policy Framework to ensure that decisions are made quicker and at the most appropriate forum; the appropriate Policy Committee rather than Full Council.

4. RECOMMENDATIONS

- 4.1 That the Committee consider the report and subject to the views of Members, the Committee formulates its recommendations for submission to Council on the 23 March 2023.

5. REASONS FOR RECOMMENDATIONS

- 5.1 It is the responsibility of the Monitoring Officer to monitor the Constitution to ensure that the aims and principles of the Constitution are given full effect.

6. BACKGROUND PAPERS

- 6.1 Hartlepool Borough Council's Constitution
Constitution Committee Minutes – 1 July 2022
Constitution Committee Minutes – 21 November 2022

7. CONTACT OFFICERS

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01429 523002

Appendix A

PROTOCOL ON EXTRAORDINARY MEETINGS

1.1 Calling extraordinary meetings

The persons listed below may request the Managing Director to call Council meetings in addition to ordinary meetings:

- i) the Council by resolution;
- ii) the Chair, or, in his/her absence, the Vice-Chair;
- iii) the Council's Monitoring Officer; and
- iii) any five Elected Members of the Council if they have signed a requisition (in the form as that reproduced in Appendix 1) presented to the Chair of the Council and she/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

At other times the Managing Director may call a meeting of Full Council whenever they consider it necessary and/or appropriate to do so.

1.1 The requisitioning members are required to provide with the requisition, a notice of the motion or motions to be debated at the Extraordinary Meeting.

1.2 The purpose of an Extraordinary Meeting ~~is~~ to enable business to be transacted, or a matter to be debated, that cannot await the next ordinary council meeting. The expectation, therefore, is that the matter covered in the notice of motion will be urgent.

1.3 Given the challenges of organising a full council meeting at short notice and the inconvenience that may be caused to members, the matter(s) covered in the notice of motion should also be one(s) that cannot be dealt with to the requisitioning members' satisfaction in some other way.

1.4 This protocol is designed to provide a locally agreed framework within which requisitions for Extraordinary Meetings can be handled in a reasonable and co-operative way.

1.5 This does not affect the statutory rights of councillors to make such a requisition or of the ~~Mayer~~ Chair to refuse to call an extraordinary meeting or to call an Extraordinary Meeting at any time after being presented with a requisition.

2. Before making a requisition

2.1 Councillors considering participating in the presentation of a requisition for an Extraordinary Meeting to the ~~Mayer~~ Chair should first speak to the Managing Director about the matter(s) of concern and seek her guidance as to how that matter can best be progressed and resolved.

3. Steps to taken during the requisition period

3.1 In the event that the matter is not resolved satisfactorily and a requisition is presented ~~to~~ the ~~Mayer~~ Chair, if it appears appropriate, discussion with the requisitioning members will continue to see whether matters can be resolved

without a full Council meeting being held.

- 3.2 In the event that the requisitioning members, or any of them, are satisfied before the 7 day period has expired, they should notify the ~~Mayer~~ Chair that they no longer support the requisition and will not participate in the calling of an Extraordinary meeting if no such meeting is called by the ~~Chair~~ Mayer.

STATEMENT OF INTENT

Hartlepool Borough Council aspires for Hartlepool to be a place:

- Where people are enabled to live healthy, independent and prosperous lives
- Where those who are vulnerable will be safe and protected from harm
- Of resilient and resourceful communities with opportunities for all
- That is sustainable, clean, safe and green
- That has an inclusive and growing economy
- With a Council that is ambitious, fit for purpose and reflects the diversity of its community

Our social value aims and objectives support the achievement of our Council plans:

- Reducing poverty and inequality
- Enhancing community economic and social wellbeing
- Increasing the town's resilience and environmental sustainability

The Council is committed to making Hartlepool a better place to live and improve lives, this statement aims to utilise social value within our contracts for the best of residents in Hartlepool.

SOCIAL VALUE GUIDING PRINCIPLES

The Public Services (Social Value) Act (the Act) helps to enable businesses of all sizes, from all sectors, to participate in procurement exercises. The core requirement of the Act is that the Council needs to consider social value in its commissioning and procurement activity. In doing so, it is vital that in seeking social value outcomes the Council will:

- Be clear on what social value is whilst allowing officers to retain flexibility in deciding which outcomes should be included in procurements to ensure relevance and proportionality.
- Apply meaningful weightings for social value in applicable tenders to ensure that it can be a differentiating factor when evaluating bids
- Promote business opportunities as widely as is viable, to allow all types of providers, including social enterprises, voluntary organisations, SMEs, and microbusinesses (collectively termed “smaller providers”), to access the information they need to be able to tender in a timely way.
- Hold “pre-tender” awareness events wherever possible.
- Work to ensure smaller providers are not disadvantaged by the Council's commissioning and procurement processes, whilst at the same time not over-burdening small businesses with bureaucracy resulting in them not tendering for HBC contracts.
- Look at a variety of contract models which offer opportunities to smaller providers, such as through lotting strategies which split tenders into

smaller contracts. It is vital that there is a balance between minimising costs and acknowledging the importance of social value.

Examples of social value activities that may be included within tender submissions

Economic responses might include:

- Creating Hartlepool jobs for local people
- Progressing towards paying a living wage
- Supporting young people into apprenticeships or internships for vulnerable adults
- Using local suppliers and supporting a local supply chain
- Investing in local SME businesses
- Providing training or apprenticeship schemes
- Promoting opportunities to work with local voluntary and community organisations

Social responses might include:

- Improving the health and wellbeing of local residents and employees
- Helping local charities and community groups
- Championing ethical supply e.g. Fair Trade
- Promoting social integration and community engagement e.g. involving local residents
- Promoting local culture and heritage
- Creating volunteering opportunities
- Promoting safeguarding and the welfare of children, young people and vulnerable adults

Environmental responses might include:

- Reducing energy and fuel consumption in the provision of the contract
- Minimising waste through re-use and recycling
- Using environmentally friendly goods to minimise pollution
- Saving energy e.g. using energy efficient lighting and equipment
- Promoting initiatives which retain, protect or enhance the local natural environment
- Incorporating sustainability considerations into your supply chain

CONSTITUTION COMMITTEE

14th March 2023



Report of: Monitoring Officer

Subject: PARISH CHARTER

1. PURPOSE OF REPORT

- 1.1 To seek a view from the Committee regarding proposed changes to the Constitution to reflect Hartlepool Borough Council (HBC) and Hartlepool's Parish Councils commitment to work together, as detailed in the newly created Parish Charter.

2. BACKGROUND

- 2.1 In April 2022 the Parish Liaison Group established the Parish Charter Working Group to progress the development of a partnership agreement, aimed at improving joint working and ensuring the delivery of high quality services that meet the needs of local communities.
- 2.2 The membership of the Working Group included representatives from each Parish Council and the local authority, as detailed below:
- 2 HBC Councillors (Councillors Shane Moore and Mike Young)
 - 3 Parish Councillors (Lyn Noble (Dalton), James Wilson (Headland) and Roderick Thompson (Elwick))
 - Clerk from separate parish (Minna Ireland (Hart - Clerk))
 - Neil Wilson – Assistant Chief Solicitor
- 2.3 The Charter Working Group met on 5 occasions, between August 2022 and January 2023, culminating in the development of the draft of the Parish Charter approved by the Parish Liaison Group on the 9th January 2023.
- 2.4 The Parish Charter, attached at **Appendix A**, contains a number of broad principles under which HBC and each of the Parish Councils have committed to work together:
- Respect Parish Councils as the first tier of Local Government, often closest to their local community;
 - Deliver the best possible services to our communities;
 - Communicate effectively and consult meaningfully upon matters that impact parished areas;
 - Attendance at Parish Council Meetings and Parish Liaison Meetings; and

- HBC to host Parish Liaison meetings.

3. PROPOSALS

- 3.1 Under each of the principles are a number of actions / commitments for both HBC and each of the Parish Councils, some which have been easy implemented as examples of good working practice. A number of other actions that fall within the remit of HBC would, however, require changes to processes laid down within the HBC Constitution and the Planning Committee Terms of Reference / Procedure Rules. Details of these are outlined in Table 1.

Table 1 – Changes required to the Constitution to allow implementation of the Parish Charter

| Parish Charter Reference | Proposed amendment to Constitution / Planning Committee Terms of Reference and Procedure Rules |
|--|---|
| <p>2.3.10 (page 3) - The Parish Council will also have the right to request (in writing and within 21 days of the publication date) that any application concerning land within their area is referred to the Planning Committee where their views and those of the planning officer are opposed. The Terms of Reference, and procedure rules, of the Planning Committee to be amended to reflect this.</p> | <p>Part 3 (page 38) “Delegation to Officer or Committee”</p> <p>1(b) Any application within a parished area which the appropriate Parish Council requests in writing should be referred to the Committee for decision, such request to be received within 21 days of the publication of details of the application or such later time with the permission of the Chair of the Committee.</p> |
| <p>2.4.3 (page 4) - HBC Constitution to be amended to remind Elected Members in parished wards that attendance at Parish Council meetings is important, and ensures they are aware of local issues and concerns, and that the Parish Council is similarly informed on relevant HBC matters.</p> | <p>2.2 Roles and functions of all Elected Members</p> <p>The following sets out the key roles within the Authority:</p> <p>All Elected Members will:</p> <p>(a) Collectively, be the ultimate policy-makers of the Authority to determine the budget and agree the plans and strategies set out in the Budget and Policy framework;</p> |

| | |
|--|--|
| | <p>(b) Represent their communities and bring their views into the Authority's decision-making process, i.e. become the advocate of and for their communities; but will make decisions taking into account the best interests of the Borough.</p> <p>(c) Contribute to the good governance of the area and actively encourage community participation and people involvement in decision making;</p> <p>(d): Where members represent a parished area they will engage with the Parish Council and where possible attend Parish Council meetings to ensure open communication and strengthen relationships;</p> <p>(d) (e) Effectively represent the interests of their ward in dealing with individual casework constituents acting as an advocate and balancing the different interests fairly and impartially;</p> <p>(e) (f) Be available to represent the Authority on other bodies; and</p> <p>(f) (g) Maintain the highest standards of conduct and ethics as the public would expect of their elected representatives in accordance with the Principles of Public Life and the Authority's Code of Conduct for Elected Members.</p> |
|--|--|

- 3.2 Approval is sought on the proposed changes, outlined in Table 1, to allow the Parish Charter to be formally signed and implemented going forward.

4. BACKGROUND PAPERS

Hartlepool Borough Council's Constitution
Parish Charter

5. CONTACT OFFICERS

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Neil Wilson
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CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

14 March 2023

The meeting commenced at 1.30 p.m. in the Civic Centre, Hartlepool

Present:

Councillor Moore (In the Chair)

Councillors Brown, Cowie and Howson

Councillor Boddy was in attendance as substitute for Councillor Morley
Councillor Creevy was in attendance as substitute for Councillor Allen
Councillor D Nicholson was in attendance as substitute for Councillor Cook
Councillor V Nicholson was in attendance as substitute for Councillor Little

Officers: Hayley Martin, Chief Solicitor
Denise McGuckin, Managing Director
Neil Wilson, Assistant Chief Solicitor
Amanda Whitaker, Democratic Services Team Manager

9. Apologies for Absence

Councillors Allen, Cook, Little and Morley

10. Declarations of interest by Members

None

11. Minutes

The minutes of the meeting held on 21 November 2022 were confirmed.

12. Further Periodic Review of the Council's Constitution *(Chief Solicitor/Monitoring Officer)*

The report set out issues which had arisen since the November meeting of the Committee. Changes were proposed with regard to the following issues:-

- **Extraordinary Council meetings** – A copy of a draft Protocol on Calling Extraordinary Council meetings to be appended to the Council Procedure Rules.

The Committee debated issues arising from the draft Protocol with some elected members questioning the rationale for the introduction of a Protocol.

Following a vote, the Chair announced that the vote had been carried and it would therefore be recommended to Full Council that the draft Protocol be appended to the Council Procedure Rules.

- **Procurement Social Value Statement of Intent** – A copy of the Statement of Intent to be added to the Contract Procedure Rules and a copy of the Statement appended to those Procedure Rules

Following clarification of the background to the Statement of Intent, the Committee agreed to recommend to Full Council that the Statement be added to the Contract Procedure Rules and a copy of the Statement be appended to those Procedure Rules.

- **Planning Delegations** – Amended wording to the Scheme of Delegation as set out below:-

Director of Neighbourhoods and Regulatory Services power to carry out all of the functions of the committee in functions 1-5, subject to the following provisions:

(1) Matters which must be referred to Committee for decision:

1 b) Any application which has received more than two material planning objections from separate addresses, *unless the officer recommendation is to refuse the application, and except in cases relating to the determination of a Lawful Development Certificate.*

(2) Matters which may be refused *(for the avoidance of doubt including an application which has received more than two material objections from separate addresses)* a) Any application which is materially contrary to planning policy b) Any application relating to prior notifications.

The Committee received an explanation from Officers in relation to the effects of approving the change in delegations. Following debate, it was agreed as follows:-

- 1 b) not recommended to Full Council
- (2) Recommended to Full Council

- **Guidance Note – Political Balance** – That the principles covering proportionality for elected members, who are not aligned to a ‘political group’, be reconsidered by the Committee.

The Committee had previously agreed to recommend to Full Council that with regard to calculating proportionality, Independent Members, not aligned to a political group, be considered as individuals for the purposes of allocation of seats to Committees. Council, on 21 March 2019, agreed the recommendation of the Committee and the Guidance Note was updated accordingly. It had been proposed that the principles covering proportionality for elected members who are not aligned to a ‘political group’ be reconsidered so that those Elected Members be ‘grouped’ for political balance calculation purposes only.

It was recognised that the proposed change would only effect ‘Independent’ Members. The Committee agreed that ‘Independent’ members should have the same opportunity for Committee seats, as those elected members who were aligned to a political group.

It was agreed, unanimously, that the proposed change be recommended for approval by Full Council.

- **Budget and Policy Framework** – That those Plans and Strategies which are not legally required to be approved/adopted by Full Council be removed from the Budget and Policy Framework.

The following plans and strategies were not legally required to be approved/adopted by Full Council.

Child and Family Poverty Strategy
Health and Wellbeing Strategy
Council Plan
Housing Strategy

The Committee agreed to recommend to Full Council the removal of the above Plans and Strategies from the Budget and Policy Framework to ensure that decisions are made quicker and at the most appropriate forum; the appropriate Policy Committee rather than Full Council.

Decision

That the recommendations of the Committee be submitted to Full Council for consideration.

13. Parish Charter *(Monitoring Officer)*

In April 2022 the Parish Liaison Group had established the Parish Charter Working Group to progress the development of a partnership agreement,

aimed at improving joint working and ensuring the delivery of high quality services that meet the needs of local communities. The Working Group had met on 5 occasions culminating in the development of the draft of the Parish Charter approved by the Parish Liaison Group on the 9th January 2023. The Parish Charter, appended to the report, contained a number of broad principles under which this Council (HBC) and each of the Parish Councils had committed to work together, as set out in the report.

Under each of the principles are a number of actions / commitments for both HBC and each of the Parish Councils, some which had been easy implemented as examples of good working practice. A number of other actions that fall within the remit of HBC would, however, require changes to processes within the HBC Constitution and the Planning Committee Terms of Reference / Procedure Rules. Details of the constitution changes were set out in a table included in the report.

Following presentation of the report, an elected member referred to the number of conservation areas in the Borough and highlighted the need to also engage with the residents in those areas. In response, the Committee was advised that conservation areas were currently being reviewed and the Managing Director undertook to provide information in relation to that review to Committee members.

The Managing Director also sought authority from the Committee, in consultation with the Committee Chair, to update the Constitution to reflect any minor changes made to the Charter.

Decisions

- (i) To recommend to Full Council the approval of the changes to processes within the HBC Constitution and the Planning Committee Terms of Reference / Procedure Rules, arising from the adoption of the Parish Charter.
- (ii) To delegate authority to the Managing Director, in consultation with the Committee Chair, to update the Constitution to reflect any minor changes made to the Charter.

The meeting concluded at 2.20 p.m.

CHAIR

COUNCIL

23rd March 2023



Report of: Finance and Policy Committee

Subject: A19 / ELWICK ROAD / NORTH LANE JUNCTION
AND ELWICK ROAD / HARTLEPOOL WESTERN
LINK PROJECT COMPULSORY PURCHASE
ORDER (CPO), SIDE ROADS ORDERS (SROS)
AND SLIP ROADS ORDER (SLRO). (The Scheme)

1. PURPOSE OF REPORT

- 1.1 For Council to consider the recommendations made by Finance and Policy Committee at its meeting on the 13th March 2023 (attached at **Appendix A**).

2. BACKGROUND

- 2.1 The concept of the Scheme developed during the preparation of the Hartlepool Local Plan in conjunction with discussions between the Council and National Highways. Historically the junctions at Elwick Village and Dalton Piercy have had safety issues and there has been a number of accidents, some of which were fatal. As such National Highways secured some funding to look at design options for the creation of a grade separated junction at one of the Elwick village junctions.
- 2.2 The Scheme was subsequently shown to be needed as a result of capacity and safety concerns when a Council camera was placed on the southern Elwick junction. The camera showed cars queuing back in the deceleration lane for the right turn into the village, which was a major concern as it led to cars queuing into the outside northbound lane of the A19 meaning that there could be serious negative implications with regards to highway safety.
- 2.3 The safety and capacity issues led to National Highways putting holding recommendations on planning applications which were coming forward that would intensify the traffic movements through Elwick. In light of this the Council was unable to approve planning applications until the highway issues were satisfactorily addressed.
- 2.4 Simultaneously there were wider concerns with increasing congestion on the A689 and A179, along with the safety and amenity of residents within Elwick Village in terms of increasing levels of cars travelling through the village.

These additional concerns led to the Scheme being included within the Local Plan via policy (see LS1 regarding growth and infrastructure and INF2 Improving Connectivity in Hartlepool).

- 2.5 On 24th July 2017, Finance and Policy Committee discussed a report detailing the Prudential Borrowing associated with the Scheme. The report set out the need and importance of delivering the Scheme with regards to the growth of Hartlepool. The costs of the Scheme and the possible delivery routes were set out, including information on the external funding streams that have been applied to.
- 2.6 Permission was sought, and given, to have in place, as a final funding option, a commitment from the Council to agree to prudentially borrow between £8m and £18m, to cover the full cost of the Scheme, or a lower amount if other sources of funding can be secured. The report advised that the Council will be able to secure funding via section 106 agreements to assist in repaying any external funding and / or prudential borrowing, however that if in the event section 106 money is not received, the Council will need to repay the Prudential Borrowing from the General Fund Budget over a 50 year period.
- 2.7 The Finance and Policy Committee report was referred to Full Council on 28th September 2017 and Members approved the recommendations of the Finance and Policy Committee. The decision was welcomed and the ability to fund the scheme assisted in defencing its deliverability during the Local Plan Examination in Public.
- 2.8 Following adoption of the Local Plan in May 2018 a report, entitled *Hartlepool Western Growth Corridor, Funding Strategy and Compulsory Purchase Order*, was discussed at Finance and Policy Committee on 26th November 2018. The report gave information pertaining to how the Scheme had developed and set out that since the previous report to Full Council in September 2017, that £4.172m has been secured from Tees Valley Combined Authority (TVCA) and advanced discussions were ongoing to secure a further £4.173m from Homes England. Securing these external grants funds 45% of the estimated cost of the Scheme. The report advised that based on the current estimated Scheme cost of £18.506m, the Council needed to borrow £10.161m for the Scheme. This was significantly less than the maximum potential borrowing reported to Council on 28th September 2017 of £18m. The report sought agreement to be given to the use of CPO powers to acquire the land and that a further report be brought to Members to formally invoke the CPO if negotiations with the land owners were unsuccessful.
- 2.9 On the 20th December 2018 Full Council considered and approved the recommendations referred from Finance and Policy Committee.
- 2.10 The Council was unsuccessful in obtaining grant funding from either National Highways or Homes England, however on 27th July 2018 the TVCA agreed in principle, and subject to a detailed business case, to provide the additional £4.173 million. In light of the TVCA decision the external grant funding

remains at the level discussed by the Finance and Policy Committee on 26th November 2018.

- 2.11 On 14th March 2022, Finance and Policy Committee received a further report detailing the particulars of the Scheme. The report provided an update on the Scheme setting out that significant progress has been made with National Highways in relation to the design of the Scheme and how it will link into the A19 and that the next key step is to complete a Road Safety Audit Stage 1 (RSA 1) and submit this to National Highways for approval. The report notes that once the RSA 1 was approved this would enable the Council to confirm the exact land requirements. It was advised that negotiations with land owners was ongoing but that no agreements had been made. Members noted the report.
- 2.12 The Road Safety Audit (Stage 1) for the Scheme has now been approved by National Highways meaning that this can now be fully progressed. A detailed planning application for the Scheme was submitted on Thursday 9th March.
- 2.13 Negotiations with landowners have been undertaken, however agreement on acquisition has not been achieved to date. While such negotiations will continue, in order to avoid any further delays to the Scheme and bring forward its delivery, it is considered necessary to progress a compulsory purchase order (CPO) and two side roads orders (SROs) and as necessary work with the Department for Transport in the promotion of a slip roads order (SLRO) (together the CPO, SROs and the SLRO are the Orders).
- 2.14 At its meetings on the 13th March 2023, Finance and Policy Committee were given an update on the Scheme and considered the report attached at **Appendix A for referral to Full Council.**

3. PROPOSALS

- 3.1 In accordance with the Constitution, Finance and Policy Committee is responsible for proposing changes to the approved Budget and Policy Framework, which are then referred to Full Council for consideration.
- 3.2 The proposed Scheme detailed in **Appendix A** is consistent with the adopted Local Plan. The need for it and the benefits it will bring are widely recognised. The proposal fits well within the applicable policy and is supported at both local and national level.
- 3.3 For the reasons set out in the attached report and in the draft Statement of Reasons a compelling case exists in the public interest for the Scheme and for the making of the Orders as set out herein in order to give effect to the Scheme.
- 3.4 There is a degree of detail in respect of the order documentation and plans that will ultimately need to be finalised following consideration by Full Council.. The delegations requested to the Director of Neighbourhoods and

Regulatory Services, in consultation with the Chief Solicitor, will allow the Scheme to be progressed in an efficient and effective manner.

4. **RECOMMENDATIONS**

- 4.1 Council is asked to consider and approve the recommendations referred from Finance and Policy Committee as set out in the report at **Appendix A**.

5. **REASONS FOR RECOMMENDATIONS**

- 5.1 To comply with the referral from Finance and Policy Committee and ensure the Scheme is progressed expediently and Orders can be published at the earliest opportunity enabling the acquisition of land and the proper dealing with rights and encumbrances.

6. **BACKGROUND PAPERS**

- 6.1 All background papers are detailed the Finance and Policy Committee – 13th March 2023 – attached as **Appendix A**.

7. **CONTACT OFFICER**

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FINANCE AND POLICY COMMITTEE

13th March 2023



Report of: Director of Neighbourhoods and Regulatory Services.

Subject: A19 / ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK NORTHERN BYPASS / HARTLEPOOL WESTERN LINK PROJECT COMPULSORY PURCHASE ORDER (CPO), SIDE ROADS ORDERS (SROS) AND SLIP ROADS ORDER (SLRO).

1 TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key Decision – Budget and Policy Framework Reference NRS 01/23

2 PURPOSE OF REPORT

2.1 This report provides an update on the A19 / Elwick Road / North Lane Junction and Elwick Road / Hartlepool Western Link Project (the Scheme) and requests approval to the making of the above orders. It also sets out and requests approval for the financial package for the Scheme.

2.2 There is a degree of detail in respect of the order documentation and plans that will ultimately need to be finalised following approval by the Committee and the Council and Members will therefore note that provision is made in the recommendations for the Director of Neighbourhoods and Regulatory Services, in consultation with the Chief Solicitor, to amend and finalise the documentation as necessary prior to the making and sealing of the various orders.

2.3 Delivery of this Scheme is integral to the strategic development to the west of the Hartlepool urban area in accordance with the Local Plan. Details of the Scheme and the future growth of Hartlepool has previously been considered by this Committee on 24th July 2017, 26th November 2018 and 14th March 2022. The Road Safety Audit (Stage 1) for the Scheme has now been approved by National Highways meaning that this can now be fully progressed and a detailed planning application will be submitted imminently.

2.4 Negotiations with landowners have been undertaken, however agreement on acquisition has not been achieved to date. While such negotiations will continue, in order to avoid any further delays to the Scheme and bring

forward its delivery, it is considered necessary to progress a compulsory purchase order (CPO) and two side roads orders (SROs) and as necessary work with the Department for Transport in the promotion of a slip roads order (SLRO). Therefore the purpose of this report is to seek Finance and Policy Committee's approval:

- To proceed with the making of the CPO and SROs (together "the Orders") for the Scheme;
- To seek, and if agreed, take a delegation from the Secretary of State for Transport to enable the making of a Slip Roads Order for the Scheme, or in the absence of a delegation, to assist the Secretary of State in making such an order; and
- For the Council to enter into an agreement with National Highways pursuant to section 6 of the Highways Act 1980 to receive the necessary trunk road powers in respect of the A19 and the Scheme.

2.5 The current drafts of the following documents are attached hereto and should be read in conjunction with this report:

- The draft Statement of Reasons (**appendix 1**);
- The draft Compulsory Purchase Order (**appendix 2**) and Order Maps (**appendix 3**);
- The draft Side Roads Order(s) (**appendix 4**) and Order Maps (**appendix 5**); and
- The draft heads of terms in respect of the Section 6 Agreement with National Highways) (**appendix 6**).

3. BACKGROUND

- 3.1 The concept of the Scheme developed during the preparation of the Hartlepool Local Plan in conjunction with discussions between the Council and National Highways. Historically the junctions at Elwick village and Dalton Piercy have had safety issues and there has been a number of accidents, some of which were fatal. As such National Highways secured funding to look at design options for the creation of a grade separated junction at one of the Elwick village junctions.
- 3.2 The Scheme was subsequently shown to be needed as a result of capacity and safety concerns when a Hartlepool Borough Council camera was placed on the southern Elwick junction. The camera showed cars queuing back in the deceleration lane for the right turn into the village, which was a major concern as it led to cars queuing into the outside northbound lane of the A19 meaning that there could be serious negative implications with regards to highway safety.
- 3.3 The safety and capacity issues led to National Highways putting holding recommendations on planning applications which were coming forward that would intensify the traffic movements through Elwick. In light of this the

Council was unable to approve planning applications until the highway issues were satisfactorily addressed.

- 3.4 Simultaneously there were wider concerns with increasing congestion on the A689 and A179, along with the safety and amenity of residents within Elwick Village in terms of increasing levels of cars travelling through the village. These additional concerns led to the Scheme being included within the Local Plan via policy (INF2 Improving Connectivity in Hartlepool).
- 3.5 On 24th July 2017, the Council's Finance and Policy Committee discussed the '*Elwick Bypass and Grade Separated Junction – Prudential Borrowing Report*'. The report set out the need and importance of delivering the Scheme with regards the growth of Hartlepool. The costs of the Scheme and the possible delivery routes were set out, including information of the external funding streams that have been applied to.
- 3.6 Permission was sought, and given, to have in place, as a final funding option, a commitment from the Council to agree to prudentially borrow between £8m and £18m, to cover the full cost of the Scheme, or a lower amount if other sources of funding can be secured. The report advised that the Council will be able to secure funding via section 106 agreements to assist in repaying any the external funding and / or prudential borrowing, but further advised that if in the event section 106 money is not received (or not received in full), the Council will need to repay the prudential borrowing from the General Fund Budget over a 50 year period.
- 3.7 The Finance and Policy Committee report was referred to Council on 28th September 2017 and they upheld the decision made in Finance and Policy Committee. The decision was welcomed and the ability to fund the Scheme assisted in defending its deliverability during the Local Plan Examination in Public.
- 3.8 Following adoption of the Local Plan in May 2018 a report, entitled *Hartlepool Western Growth Corridor, Funding Strategy and Compulsory Purchase Order*, was referred to Finance and Policy Committee on 26th November 2018. The report gave information as to how the Scheme had developed and set out that since the previous report to Full Council in September 2017, £4.172m had been secured from the Tees Valley Combined Authority (TVCA) and advanced discussions were ongoing to secure a further £4.173m from Homes England. Securing these external grants funds 45% of the estimated cost of this Scheme. The report advised that based on the current estimated Scheme cost of £18.506m the Council needed to prudentially borrow £10.161m towards the overall Scheme. This was significantly less than the maximum potential borrowing reported to Council on 28th September 2017 of £18m. The report sought agreement to be given to the use of Compulsory Purchase Order (CPO) powers to acquire the land and confirmed that a further report would be brought to Members to invoke formally the CPO if negotiations with the land owners were unsuccessful.

- 3.9 The Finance and Policy Committee report was discussed by Full Council on 30th December 2018. The Council upheld the decision made in Finance and Policy Committee.
- 3.10 The Council was unsuccessful in obtaining grant funding from either National Highways or Homes England, however on 27th July 2018 the TVCA agreed in principle, and subject to a detailed business case, to provide the additional £4.173 million. In light of the TVCA decision the external grant funding remains at the level discussed by the Finance and Policy Committee on 26th November 2018.
- 3.11 On 14th March 2022, a report, entitled A19 Grade Separated Junction, Elwick Bypass and Hartlepool Western Link, was presented to Finance and Policy Committee. The report provided an update on the Scheme setting out that significant progress had been made with National Highways in relation to the design of the Scheme and how it will link into the A19 and that the next key step was to complete a Road Safety Audit Stage 1 (RSA 1) and submit this to National Highways for approval. The report further noted that once the RSA 1 was approved this would enable the Council to confirm the exact land requirements. It was advised that negotiations with land owners was ongoing but that no agreements had been made. Members noted the report.

4 PROPOSALS

- 4.1 In accordance with the Constitution, the Finance and Policy Committee is responsible for proposing changes to the approved Budget and Policy Framework, which are then referred to Full Council for approval.

Scheme Description

- 4.2 The Scheme, as more particularly described in section 3 of the draft Statement of Reasons (SoR) as attached, is located on the A19 between the A179 Sheraton Interchange and the A689 Wolviston Interchange. It comprises a new grade separated junction, including an overbridge at A19 / Elwick Road / North Lane and a single carriageway bypass / link road lying to the north west of the village of Elwick and extending from the new junction to the east north east of Elwick village where it joins the existing Elwick Road at the northern end of what is known as Devil's Elbow. A number of further improvement measures will also be undertaken in respect of the existing A19 in the vicinity of the new junction including closures of existing accesses in / out of the A19. Together these measures comprise the Scheme.
- 4.3 The Scheme will provide a third main route from the A19 into the urban area of Hartlepool and will remove traffic from the village of Elwick.

Scheme objectives

- 4.4 The Scheme will achieve the following objectives and have the following benefits:

- Improve the operation of, and road safety, at the at-grade A19-Elwick junction by the construction of a new grade-separated junction and also contribute to wider improvements in road safety and functionality along the A19 corridor;
- Improve connectivity by creating an additional main junction on the A19 and enhanced link to Hartlepool;
- Contribute to the strategic and local traffic management by relieving pressure on the existing A179 and A689 routes from Hartlepool to the A19;
- Contribute to the regeneration and growth in accordance with the key principles and spatial vision in the adopted Hartlepool Local Plan ("the Local Plan") particularly in order to bring forward housing development and associated social infrastructure. The delivery of a key housing allocation at High Tunstall being dependent on the delivery of the Scheme; and
- Improve road safety, bring environmental benefits to, and protect the character of Elwick, by reducing existing through traffic from the village.

Key milestones in Scheme progress to date

- 4.5 The Council has been working closely with National Highways to agree the design of the Scheme. The Road Safety Audit (Stage 1) was approved by National Highways on 14th December 2022 meaning that meaningful progress has been made with a planning application and with the Orders.
- 4.6 The design of the Scheme has now advanced to a level of detail to support a detailed planning application. As noted above, a planning application for the Scheme will be submitted imminently. The completion of the Scheme design has enabled confirmation of the Scheme boundary and land-take required.
- 4.7 Interests in land were identified at an earlier stage and contact has been made with landowners as set out below. A further more detailed land referencing process is being undertaken to identify all relevant freeholds, leaseholds, tenancies, easements, rights and other interests in land that will be affected by delivery of the Scheme.
- 4.8 In confirming the Scheme, it has also been necessary to identify effects on side roads and the consequent need to alter or amend the existing local highway network and private accesses as set out in the SRO.
- 4.9 External lawyers were re-engaged in August 2022 to progress the Statement of Reasons and advise generally on progressing the Orders.

Land acquisition

- 4.10 The extent of the freehold land and land over which rights are required to construct the Scheme is shown on the CPO Plans and the schedule to the draft CPO. The land is predominantly arable farmland in various ownerships.

- 4.11 There are in total approximately 15 separate parcels of land required for the Scheme, including 13 individual land owners along with parcels of unregistered land in unknown ownership, and additionally title to mines and minerals is unregistered.
- 4.12 Seven landowners are represented by two land agents with whom the Council has been in negotiations. Clarity is being sought from the land agents that where a parcel of land is in the ownership of more than one individual that the agents act for all of those named individuals and that being the case all landowners are represented.
- 4.13 Notwithstanding negotiations with the agents, it has not yet proved possible to reach agreement as to land acquisition. The Council will in any event continue to seek to negotiate with the landowners in parallel with progression of the CPO.
- 4.14 However in order to ensure delivery of the Scheme it is necessary to secure the acquisition of all relevant interests within the Scheme boundary. That is necessary if the Scheme is to come forward in a timely way as a construction programme could only progress with certainty in the light of confirmed acquisitions. The use of compulsory purchase order powers is the only way to guarantee that the land required for the Scheme is available to the Council.
- 4.15 In respect of land and interests in unknown ownership, it is evidently not possible to acquire such interests by agreement and therefore compulsory acquisition will be required in respect of such interests in any event, whether or not agreement is reached with all of the freehold owners. There are additional statutory procedural requirements in respect of land in unknown ownership to be followed.
- 4.16 The SROs are needed to give authority to stop up, divert, construct, or improve existing parts of the local highway network that will cross or enter the route of the Scheme. A SRO also provides authority to stop up and provide new private means of access to land and premises.
- 4.17 In respect of land at the existing Church Bank / Elwick Road/ A19 junction, the Council is in ongoing discussions with National Highways as to their preferred legal process to close this junction. The land at Church Bank, although adopted highway, is currently unregistered and in unknown ownership and if it is required to formally stop up part of the local highway network at this location then upon that stopping up, the land would revert to the sub-soil owners. In the absence of any known owners of the sub soil the legal presumption would be that the land would revert to those parties owning the adjoining land. The Council would therefore look to also acquire this additional land through the CPO if a stopping up of the local highway network at this location was required in order to protect the ability to re-open the highway at a later date, if necessary. The closure of the junction may however be secured by means of other legal processes (not requiring any

further land to be acquired through the CPO) to be determined in discussions with National Highways.

The Orders and overview of the Statement of Reasons (SOR)

4.18 The Orders to be made and promoted are as follows:

- The Hartlepool Borough Council (A19 / Elwick Road / North Lane Junction and Elwick Bypass / Hartlepool Western Link) Compulsory Purchase Order 202[3]. This CPO contains provision for the compulsory acquisition of land for the purposes of highway elements of the Scheme pursuant to the Council's own compulsory purchase powers. No land acquisition is required in respect of those parts of the Scheme that will ultimately become trunk road/part of the A19 junction;
- The Hartlepool Borough Council (A19 / Elwick Road / North Lane Junction and Elwick Bypass / Hartlepool Western Link) (Classified Road) (Side Roads) Order 202[3] in order to carry out works to the existing local highway network as well as stop up existing private means of access and create such new private accesses which are necessary to enable the Scheme to be constructed. This SRO is also made under the Council's own statutory powers;
- The Council is also promoting the Hartlepool Borough Council (A19 / Elwick Road / North Lane Junction and Elwick Bypass / Hartlepool Western Link) (Side Roads) Order 202[3] to link the new road to the A19 Trunk Road which is also necessary to enable the Scheme to be built along with any consequential alterations to the existing highway network including private means of access. This Order is made on behalf of National Highways in exercise of powers to be delegated under section 6 of the Highways Act 1980; and
- There is also a need for the making of the Hartlepool Borough Council (A19 / Elwick Road / North Lane Junction and Elwick Bypass / Hartlepool Western Link) (Slip Roads) Order 202[3] which is necessary to ensure that the slip roads at the A19 junction are created as or otherwise become trunk road on completion. This is an Order which is made by the Secretary of State for Transport and not National Highways and therefore cannot be delegated by National Highways under section 6 of the Highways Act 1980. Discussions will need to be undertaken with the Department for Transport (DfT) as to whether any part of the order making process can or would be delegated to the Council. In the absence of such a delegation the Council will closely liaise with the DfT to ensure that the process for the making of the slip roads order is closely aligned with and where possible integrated within the other order making processes.

4.19 A Statement of Reasons (SoR) has been prepared which sets out the reasons for promoting the Orders and delivering the Scheme and explains the need for the CPO and other orders to enable land and any other interest in the land that is not within the ownership or control of the Council to be acquired to permit the Scheme works to be carried out.

- 4.20 Although there are elements of the SoR which require updating and finalising to reflect the position as at the date of the making of the Orders (indicated in the form of notes within the document) the nature of the justification of the Scheme and the use of compulsory purchase and side roads order powers in relation to the Scheme is clear from the SoR. Although brief summaries are given below of the needs for and justifications of the various orders referred to above, the full justification is set out in the SoR including detail of the highways considerations and the alignment of the Scheme with national and local policy. Members should therefore have regard to the SoR attached as an appendix as a whole in considering whether the powers available to the Council and delegated to it by National Highways or (potentially) the Secretary of State should be exercised for the purpose of making orders in relation to the Scheme.
- 4.21 All of these Orders are in draft form and are subject to amendment in order to make technical adjustments or to accommodate changes to the Scheme that may be required through the determination of the planning application and / or further discussions with National Highways, for example in the event that additional landscaping was required by the Local Planning Authority then additional land take would be required. The Orders will not therefore be made until the planning application has been determined.
- 4.22 To give the necessary flexibility to progress the Scheme in an efficient and timely manner a delegation is sought to the Director of Neighbourhoods and Regulatory Services ("the Director") in consultation with the Chief Solicitor to make necessary changes prior to publication of the Orders and during the process of seeking their confirmation.

The need and justification of the CPO

- 4.23 The purpose of seeking to acquire land and new rights compulsorily is to enable the Scheme to be constructed. The CPO would enable the Council to meet its statutory purposes and strategic highway objectives within the shortest realistic timescale in the most appropriate way.
- 4.24 The Council recognises that a CPO for the Scheme can only be made if there is a compelling case in the public interest which justifies the acquisition of private rights and interests in land and the creation of new rights sought to be acquired. A compelling case exists here as set out at section 6 of the SoR. A CPO is necessary and justifiable in the public interest.
- 4.25 The Council would be making the CPO to secure the outstanding interests and new rights required to enable implementation of the Scheme, which is necessary to achieve its objectives for the area. The Council has held or intends to continue to hold discussions with the owners of relevant interests in an attempt to reach agreement but the CPO remains necessary to ensure that the Scheme can proceed and to secure those parcels of land and interests in unknown ownership.

The need and justification of the Side Road Orders (SROs)

- 4.26 The purpose of the SROs is to maintain access to all land and property directly affected by the Scheme and to make necessary changes to the highway network. In order to build the new road it is necessary to improve, or stop up, existing highways and construct new highways to link into the new road. It will also be necessary to stop up some existing private means of access to land or premises and to replace those where necessary with new means of access. To enable it to carry out those works the Council is promoting the SROs.
- 4.27 The Council recognises that the SROs for the Scheme can only be made if there is a compelling case in the public interest which justifies the acquisition of private rights and interests and the creation of new rights sought to be acquired. A compelling case exists here as set out in section 8 of the SoR. Section 8.4 of the SoR will be fully populated in due course with the details of the highways / private accesses to be stopped up and new highways / accesses provided but such details will be broadly commensurate with the appended SRO plans and draft orders.
- 4.28 The SROs are necessary and justifiable in the public interest.

The need and justification for the A19 Slip Roads Order

- 4.29 The proposed highways design incorporates amendments to existing accesses to and from the A19 trunk road and new access to and from the A19 trunk road.
- 4.30 In order to achieve that movement and to meet the requirements of National Highways and the agreed design, the SLRO is necessary. The Slip Roads have been designed to meet the relevant and applicable standards, have been assessed by National Highways and have received the necessary technical approval to be acceptable.
- 4.31 The SLRO will be made by the DfT unless delegation can be agreed with the DfT.

The need and justification for entering into agreements pursuant to section 6 Highways Act 1980

- 4.32 In order to work on the A19 Trunk Road and to construct the overbridge, the Council will need to sign up to an agreement under section 6 of the Highways Act 1980 with National Highways and potentially also an agreement with the Secretary of State. The section 6 agreement will:
- Allow the Council to pursue the A19 SRO on behalf of National Highways under delegated powers;
 - Allow the Council's contractor to work on the trunk road network; and
 - Set out the maintenance and ownership responsibilities for the overbridge and associated infrastructure connecting the A19 with the new bypass.

- 4.33 A commuted sum may be required by National Highways in respect of the ongoing maintenance of the overbridge and associated infrastructure to deliver the grade separated junction. Negotiations are ongoing with National Highways. In the event that a commuted sum is agreed to be required it is considered that the Council's approved borrowing will not need to be further increased to take into account such additional costs.
- 4.34 The current estimated programme for delivery of the Scheme is as follows:
- | | |
|----------------------|--|
| Spring / Summer 2023 | Determination of Planning Application |
| Summer 2023 | Orders made and published |
| Autumn 2023 / | Statutory Objection period and possible Public |
| Spring 2024 | Inquiry |
| Spring / Summer 2024 | Secretary of State's decision |
| Autumn 2024 | General Vesting Declaration |
- 4.35 As noted above where objections are received and not withdrawn then a Public Inquiry will be required. It is estimated that such an inquiry would be held within 6-9 months from the date of submission of the Orders to the Secretary of State. The Council will, in accordance with Guidance, continue to seek to reach agreement with landowners wherever practicable but requires the certainty of land acquisition afforded by the compulsory purchase process if the Scheme is to be delivered.

5 FINANCIAL CONSIDERATIONS

Impact of the Scheme on Medium Term Financial Strategy (MTFS)

- 5.1 The Local Plan covers a range of topics which set out a strategy for how Hartlepool will develop over the next 15 years. The plan identifies sites for employment, housing, retail, recreation and leisure, green spaces and a range of other uses.
- 5.2 The housing and employment growth is closely aligned with the aspirations of the Tees Valley Strategic Economic Plan (TV SEP) which seeks to create 25,000 new jobs over the next 10 years across the Tees Valley area. Housing growth across the plan period equates to 410 dwellings per year. The plan therefore identifies a housing requirement for the next fifteen years of 6,150 dwellings.
- 5.3 The Scheme is critical for the growth of the Borough in accordance with the key principles and spatial vision in the Local Plan. Allocated sites within the Local Plan will deliver 1,420 houses over 10 years but only 428 of these can be built before the new A19 grade separated junction has been completed and is open to the public (220 Quarry Farm and 208 High Tunstall). Housing growth is key to providing additional resources to the MTFS, continuing to change the tax base to more houses at higher Council Tax bands.

Financial Overview of the Scheme

- 5.4 The financial position in relation to this Scheme was last considered by Full Council in December 2018. This section provides updated financial considerations reflecting the current economic climate and revised profile of expenditure in relation to the Scheme. As outlined in Table 1 below the total Scheme costs are currently estimated at £24.497m with an upper estimate taking into account additional inflation and risk of £26.094m. The additional allocations for inflation and risk have been incorporated within the upper estimate to reflect potential change within the Scheme.
- 5.5 The Council has secured £4.172m grant from Tees Valley Combined Authority (TVCA). The Council were unsuccessful in securing funding from alternative sources, however the TVCA has agreed to underwrite a further £4.173m subject to the submission of a detailed business case which is now being progressed following agreement of the Road Safety Audit Stage 1. On this basis the Council will have secured external funding of £8.345m. The remaining estimated costs of £14,832 (current forecast figure) to £16.429 (upper estimated figure) will need to be funded from prudential borrowing which will be fully repaid from s106 developer contributions over an anticipated house build out period of a further 15 years.

Table 1. Summary of Costs and Funding the Scheme

| | Current Forecast | Upper Estimate |
|--|-------------------------|-----------------------|
| Total Scheme Cost | £24.497m | £26.094m |
| Grant Funding | (£8.345m) | (£8.345m) |
| S106 Contributions Already Received | (£0.660m) | (£0.660m) |
| S106 Contributions Forecast for April 2023 | (£0.660m) | (£0.660m) |
| Maximum Temporary Borrowing | £14.832m | £16.429m |

- 5.6 The potential s106 contributions already received and to be received after April 2023 are £17.04m, which is sufficient to repay the upper estimated costs (£16.429m). On the basis that the overall Scheme costs are within the current forecast, this will leave £2.208m of s106 contributions uncommitted for other objectives as secured under the s106 agreements which include in respect of the High Tunstall s106 agreement, at the Council's discretion, improvements to the local road network. However these monies cannot be released until;
- The Scheme is complete and the amount funded from s106 is known; and
 - The s106 monies have been received, as these monies will be received over a further 15 year period and the first priority is the repayment of prudential borrowing to avoid an unfunded budget pressure.

Financial Risk Assessment

- 5.7 Interest Rate Risk – While the s106 monies will be sufficient to fund the cost of the Scheme the Council will need to use prudential borrowing to fund the upfront Capital costs not funded from grant. Therefore there will be an interest cost associated with the prudential borrowing which cannot be funded from s106 monies.
- 5.8 It is anticipated that a 12 year loan will be required to fund the upfront capital costs and allow for potential variations in the profile of s106 receipts to repay the loan. It is anticipated that annual interest costs in relation to a £14.832m loan will be £0.630m based on current interest rates. This would commit Council Tax income from approximately 326 properties of housing growth.
- 5.9 The full annual impact of interest costs is currently expected in 2024 / 25 as the initial costs of the Scheme will be funded by grant and s106 contributions received by the Council. However the timing of drawing down this loan will be dependent on the timing of the Scheme commencing. This means that the Council faces interest rate risk as there is a possibility of interest rates rising in future years. Table 2 demonstrates the impact of increases in interest rates and the number of houses committed to fund the resulting annual interest costs.

Table 2. Impact of Interest Rate Risk

| | Forecast Interest Rate (4.25%) | Forecast Interest Rate +1% | Forecast Interest Rate +2% |
|--|---|---|---|
| Interest Cost of £14.832m Borrowing Requirement | £0.630m | £0.779m | £0.927m |
| Number of houses committed to fund interest | 327 | 404 | 481 |

As s106 contributions are received the interest risk will reduce as these monies will be invested, pending repayment of the 12 year maturity loan.

- 5.10 Price Risk and Interest Rate Risk – If the cost of the Scheme were to increase (i.e. to the upper cost estimate) and had to be funded by additional prudential borrowing this would result in increased interest costs. Table 3 shows the impact of the Scheme costs at the upper estimate of overall Scheme costs and the number of houses committed to fund increased interest rate costs.

Table 3. Cost Increase Sensitivity

| | Forecast Interest Rate (4.25%) | Forecast Interest Rate +1% | Forecast Interest Rate +2% |
|--|---------------------------------------|-----------------------------------|-----------------------------------|
| Interest Cost of £16.429m Borrowing Requirement | £0.698m | £0.863m | £1.027m |
| Number of houses committed to fund interest | 362 | 448 | 533 |

- 5.11 Housing Growth Risk – To manage the potential risk that the s106 monies are not received over the forecast period of 15 years it is recommended to repay the Prudential Borrowing over a 50 year period to reflect the lifespan of the Scheme. The resulting annual repayment cost would be approximately £0.328m per annum and this would be the minimum amount of s106 monies that would need to be repaid to avoid a revenue budget pressure. However, as it is expected that s106 monies will exceed this minimum requirement, the actual monies received will be used to repay prudential borrowing to reduce the loan outstanding and achieve full repayment within the forecast 15 years.
- 5.12 Housing Developments Delayed – In the event that the Scheme is not completed and there is a delay in the achievement of anticipated housing development the Council would have to meet interest costs of £0.630m (current forecast), plus principal repayment costs £0.328m, i.e. total potential annual cost of £0.958m. Based on the current timetable for implementing the Scheme this cost would arise in 2027/28.
- 5.13 There is currently no provision in the MTFs for this potential scenario as it is anticipated that interest costs would be funded from increased Council Tax income from housing growth and principal repayment costs will be funded from s106 monies. This is considered to be a low risk for the following reasons:
- Forecast interest costs of £0.630m require 327 properties to be completed, this is less than the number of units (478) that are anticipated to be built over the period up to 2027 / 28; and
 - Principal repayment costs of £0.328m require s106 funding from 28 properties.
- 5.14 CPO Risk – An estimate of the costs of a CPO have been included, however costs could be higher depending on the process. If not agreed with landowners, land values following a CPO would ultimately be determined by the Lands Chamber. While the current budget is considered robust, if compensation were to exceed such budget estimate then additional borrowing would then be required and would increase the interest costs identified in Tables 2 and 3 above.

- 5.15 Contingencies – Risk and Inflation contingencies have been built in to the costs outlined above. If not all of the risk is realised then this would reduce the overall Scheme costs.

6. LEGAL CONSIDERATIONS

The Highways Act 1980

- 6.1 The CPO is to be made pursuant to the powers set out in the recommendations in this report and more fully addressed in the SoR.
- 6.2 The relevant provisions of the Highways Act 1980 include:
- Section 239 enables a highway authority to acquire land required for the construction and improvement of a highway;
 - Section 240 relates to the carrying out of works authorised under a SRO, and use of land as working space and the diversion of watercourses;
 - Section 246 relates to mitigation of adverse effects of the existence or use of a scheme;
 - Section 249 contains distance limits from the highway applicable to certain land acquisition powers;
 - Section 250 provides for acquisition of rights including new rights;
 - Section 260 relates to land acquired by agreement and included in a CPO over-riding restrictive covenants or other third party rights;
 - Sections 14 and 125 confer powers on the Council as highway authority to make side roads orders, including authorising the stopping up of private means of access; and
 - Section 110 confers power on the Council as highway authority to divert a non-navigable watercourse in connection with the construction, improvement or alteration of a highway; no further orders are required in the exercise of this power.
- 6.3 The Highways Act 1980 contains similar powers for National Highways in relation to trunk roads. Section 6 of the Highways Act 1980 contains powers for National Highways to authorise the Council to exercise the powers of National Highways in relation to trunk roads and empowers the Council to exercise such powers where authorised to do so.
- 6.4 Circular 2 / 97 states that it is the Secretary of State's practice not to confirm a Compulsory Purchase Order until he is satisfied that planning permission for the Scheme, to which the Order relates, has been granted. It is therefore not intended to make the Orders until such time as planning permission for the Scheme has been granted.
- 6.5 The legal considerations that the Council must take into account are set out in this report and in the SoR.

Human Rights

- 6.6 The Council has addressed the implications arising from the Scheme in respect of the Human Rights Act 1998. The Human Rights Act 1998 incorporated the European Convention on Human Rights (the “Convention”) into domestic law. The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.
- 6.7 The European Court of Human Rights has recognised that “regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community”. Both public and private interests are to be considered in the exercise of the Council's powers and duties as a local authority. Any interference with a Convention right must be necessary and proportionate.
- 6.8 In resolving to make the Orders, the Council has carefully considered the rights of property owners under the Convention against the wider public interest. The Scheme will deliver significant benefits to Hartlepool including to the growth of the Borough in accordance with Local Plan objectives, benefits to the local and strategic road networks, including road safety benefits, and the removal of through traffic from the village of Elwick.
- 6.9 Any interference with Convention rights, such as they may be, is considered to be justified and proportionate in order to secure the benefits that the Scheme will bring. All parties whose rights under Article 8 of the Convention and under Article 1 of the First Protocol thereto are both entitled to object to the Orders and be heard at a public inquiry or hearing in accordance with their Article 6 Convention rights, and those entitled to claim compensation are also entitled to appropriate compensation under the relevant statutory provisions.
- 6.10 In light of the significant public benefit which would arise from the implementation of the Scheme the Council has therefore concluded that it would be appropriate to make the Orders. It does not regard the Orders as constituting any unlawful interference with individual property rights.

Equality Act 2010

- 6.11 Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 6.12 The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- 6.13 Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:
- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 6.14 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 6.15 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.
- 6.16 Compliance with the duties in section 149 may involve treating some persons more favourably than others.
- 6.17 The duty cannot be delegated and must be discharged by the decision maker. To discharge the statutory duty the decision maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified, consideration must be given to measures to avoid that impact as part of the decision making process.
- 6.18 An impact analysis has been undertaken in relation to the making of the CPO, SROs and SLRO and is set out in **appendix 7**, no specific considerations have been identified at this stage. The Orders relate ultimately to land transactions and are subject to statutory processes and are therefore considered to be neutral in their impact on persons with a protected characteristic.
- 6.19 In terms of the Scheme itself, all design complies with national design standards including the relevant requirements and guidance in relation to accessibility.

Crime and Disorder

- 6.20 Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the

exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

- 6.21 These issues have been considered but there are not considered to be any direct implications for crime and disorder.

7. RISK IMPLICATIONS

- 7.1 The final amount of consideration or compensation that may have to be paid to landowners is not yet known as it has not been possible to reach agreement. If agreement cannot be reached then ultimately the Lands Chamber is the arbiter of compensation. It will have regard to what is known as the Compensation Code, a body of statute and case law, and to valuation expertise. As with any litigation there is inherently an element of risk and uncertainty as to the outcome.
- 7.2 The costs of construction of the Scheme may increase due to unforeseen factors, the need to carry out additional accommodation works, or inflation above expected levels.
- 7.3 A slowdown in the housing market due to economic factors may result in slower house sales on the Quarry Farm and High Tunstall developments, leading to revenue from s106 obligations taking longer than anticipated to be paid.
- 7.4 The CPO may not be confirmed by the Secretary of State. However, even if there are objections lodged it is considered that the Scheme is in accordance with national and local policies and that the case for compulsory acquisition is robust.

8. ASSET MANAGEMENT CONSIDERATIONS

- 8.1 As set out in this report and appendices, the Council seeks to acquire all rights in land necessary for the delivery of the Scheme and has been in negotiations with the land agents acting for the affected landowners to acquire those interests for some time now. These negotiations are ongoing, however if terms cannot be agreed, compensation will be determined by referral to the Upper Tribunal (Lands Chamber).
- 8.2 In addition to the market value of the land, and as assessed under the Compensation Code comprising relevant statutes and case law, other heads of compensation such as disturbance and fees may be payable whether settled by agreement or by reference to the court.

9. EQUALITY AND DIVERSITY CONSIDERATIONS

- 9.1 Equality and diversity issues have been considered in relation to this report and there are no specific considerations identified at this stage.

10. CONSULTATION

- 10.1 The Scheme has been the subject of extensive consultation both formal and informal as set out above. In particular the Scheme was consulted upon as part of the 2018 Local Plan process and the subsequent 2019 outline planning application. There has also been informal consultation throughout the development of the Scheme via leafleting, press releases and online announcements. Affected landowners have been contacted via their agents.
- 10.2 In the context of the CPO the Council will be meeting with the Parish Council and local residents group to inform them of the Scheme in more detail in due course.

11. CHILD/FAMILY POVERTY CONSIDERATIONS

- 11.1 Child/Family Poverty issues were considered during the preparation of the 2018 Hartlepool Local Plan and again for this report. There are no specific considerations identified at this stage. The poverty impact assessment is set out at **appendix 8**.

12. ENVIRONMENT, SUSTAINABILITY AND CLIMATE CHANGE CONSIDERATIONS

- 12.1 Environment, Sustainability and Climate Change considerations relating to the Scheme have been considered during the preparation of the 2018 Hartlepool Local Plan particular in preparing policy LS1 (Locational Strategy) and policy INF2 (Improving Connectivity in Hartlepool) along with undertaking significant assessments via the sustainability appraisal. Environment, Sustainability and Climate Change considerations were also considered as part of the 2019 planning application and will be subject to further scrutiny as part of the determination of the detailed planning application now submitted for the Scheme. With regards to the CPO process there are no specific environment, sustainability and climate change considerations identified at this stage.

13. CONCLUSION

- 13.1 The Scheme is consistent with the adopted Local Plan. The need for it and the benefits it will bring are widely recognised. The proposal fits well within the applicable policy and is supported at both local and national level.

- 13.2 For the reasons set out in this Report and in the draft SoR a compelling case exists in the public interest for the Scheme and for the making of the Orders as set out herein in order to give effect to the Scheme.
- 13.3 Further work is necessary on the Statement of Reasons and the Orders before they are finalised for publication. The delegations requested will allow the Scheme to be progressed in an efficient and effective manner.

14. RECOMMENDATIONS

That Finance and Policy Committee requests that Council:

- 14.1 Approves the Council entering into an agreement with National Highways pursuant to Section 6 of the Highways Act 1980 ("the Section 6 Agreement") relating to highway works at the A19 / Elwick Road / North Lane junction and the exercise by the Council of all National Highways' powers in respect of the making, publishing and seeking confirmation of the A19 SRO and taking all other related steps necessary to give effect to paragraphs 14.2 and 14.3 below, with delegated authority given to the Director of Neighbourhoods and Regulatory Services ("the Director") in consultation with the Chief Solicitor to reach agreement with National Highways as to the form of such an agreement which shall generally be in accordance with the draft heads of terms attached as an appendix and with delegated authority to the Director in consultation with the Chief Solicitor to agree a commuted sum with National Highways if so required provided that agreement to pay such a commuted sum does not result in any prudential borrowing beyond that already approved by the Council in respect of the Scheme.
- 14.2 Approves the Council (both for itself and in exercise of the powers of National Highways delegated pursuant to the Section 6 Agreement) exercising powers under Sections 14, 125, 239, 240, 246, 250 and 260 of the Highways Act 1980, the Acquisition of Land Act 1981 and all other enabling powers to secure the compulsory acquisition of and otherwise deal with all land and rights and interests in and affecting land necessary to construct the Scheme.
- 14.3 Without prejudice to the generality of the approval at paragraph 14.1 above, authorises the Chief Solicitor (both for the Council itself and in exercise of the powers of National Highways delegated pursuant to the Section 6 Agreement as relevant) to make:
- 14.3.1 The Hartlepool Borough Council (A19 / Elwick Road / North Lane and Elwick Northern Bypass / Hartlepool Western Link) Compulsory Purchase Order 2023 ("the CPO") under sections 239, 240, 246, 249, 250 and 260 of the Highways Act 1980, the Acquisition of Land Act 1981 and all other enabling powers, as per the details contained in this report and generally in the form set out in an attached appendix to this report to secure the compulsory acquisition of interests in land and new rights shown on the plans attached as an

appendix (the CPO and associated plans being subject to any final amendments the Director considers necessary); and

- 14.3.2 The Hartlepool Borough Council (A19 / Elwick Road / North Lane and Elwick Northern Bypass / Hartlepool Western Link) (Classified Roads) Side Roads Order 2023 ("the SRO") under sections 14 and 125 of the Highways Act 1980 and all other enabling powers, as per the details set out in this report and generally in the forms set out as an appendix (subject to any final amendments the Director considers necessary); and
- 14.3.3 The Hartlepool Borough Council (A19 / Elwick Road / North Lane and Elwick Northern Bypass / Hartlepool Western Link) Side Roads Order 2023 ("the A19 SRO") under sections 14 and 125 of the Highways Act 1980 and all other enabling powers, as per the details set out in this report and generally in the forms set out as an appendix (subject to any final amendments the Director and National Highways considers necessary);

The CPO and SROs being collectively referred to as "the Orders".

- 14.4 Approves the Council entering into an agreement with the Secretary of State for Transport ("SSfT") and / or the Department for Transport ("DfT") to receive authority or delegation of powers to enable the Council to promote a Slip Roads Order or Orders to be made by the SSfT under sections 10 and 41 of the Highways Act 1980 through to confirmation, including preparation and representations at any Public Inquiry and the exercising of those powers if and when authorised or delegated; or whether or not a delegation is obtained pursuant to this paragraph the Council liaising with and assisting the SSfT and / or DfT in respect of publication and promotion of a Slip Roads Order or Orders under Sections 10 and 41 of the Highways Act 1980 in each case for the designation of the new slip roads created as part of the Scheme as trunk roads;
- 14.5 In respect of the Slip Roads Order, as necessary:
- 14.5.1 Authorises the Director to exercise on behalf of the Council any powers of the Secretary of State under section 10 of the Highways Act 1980 delegated pursuant to an agreement as described in paragraph 14.4 above or otherwise to take such steps as may be necessary to liaise with and assist the Secretary of State as described in paragraph above; or
- 14.5.2 In exercise of the powers of SSfT and / or the DfT delegated pursuant to an agreement described in paragraph 14.4 above authorises the Chief Solicitor to make the Hartlepool Borough Council (A19 / Elwick Road / North Lane and Elwick Northern Bypass / Hartlepool Western Link) Slip Roads Order 2023.

- 14.6 Approves in principle the Statement of Reasons ("SoR") for the above mentioned Orders generally in the form of the draft set out in an appendix and authorises the Director to agree the final version of the SoR, and the final form of the Orders including authority to make, if necessary, any amendments to the Orders referred to in the above paragraphs necessary to secure the compulsory acquisition of all interests in land necessary to construct the Scheme.
- 14.7 Authorises the Chief Solicitor to seal the Orders and as necessary the Slip Roads Order in their final form.
- 14.8 Authorises the Director to take all ancillary and necessary steps, including the publication and service of all statutory notices and presentation of the Council's case at Public Inquiry, to proceed with and secure the confirmation of the Orders and as necessary the Slip Roads Order by the Secretary of State, and making of agreements and undertakings with landowners and other affected parties necessary in order to secure the removal of any objections made to the Orders (where such agreements and undertakings are appropriate), and the vesting of the interests in land and new rights in the Council by way of the making of one or more general vesting declarations under the Compulsory Purchase (Vesting Declarations) Act 1981 or the service of Notices to Treat and Notices of Entry under the Compulsory Purchase Act 1965 and to include authority to request confirmation of the final Orders and as necessary the Slip Roads Order with modifications if, in the light of new information, it appears expedient to ensure the confirmation of the Orders and as necessary the Slip Roads Order.
- 14.9 That authority be given to the Chief Solicitor to acquire all third party interests in land and the properties subject to the CPO and as required for the Scheme (whether compulsorily or by agreement).
- 14.10 Note the revised Scheme estimate of between £24.497m and £26.094m.
- 14.11 Approve a funding strategy for the upper estimated Scheme costs of £26.094m and the funding strategy of application of £8.345m grant funding and £16.429m prudential borrowing repayable from s106 contributions.
- 14.12 Note that the annual loan repayments (excluding interest) of using prudential borrowing will be funded from s106 Developer Contributions. Under these arrangements the prudential borrowing of £16.429m will be repaid over a 15 year period.
- 14.13 Note that the annual interest cost will be phased over three years commencing in 2024 / 25 until the loan is repaid, this will be funded from Council Tax income generated from approximately 100 housing in 2024 / 25, 100 in 2025 / 26 and 127 in 2026 / 27 (i.e. the Council tax income from a total of 327 houses).
- 14.13.1 Agrees the provisional financial package set out in this report; and

- 14.13.2 Agree that the Council underwrites all land assembly costs and compensation costs arising from the making and implementation of the Orders in the event that these exceed the anticipated Scheme cost as set out in table 1 (summary of costs and funding) of this report.

15 REASONS FOR RECOMMENDATIONS

- 15.1 To ensure the Scheme is progressed expediently and Orders and as necessary the Slip Roads Order can be published at the earliest opportunity enabling the acquisition of land and the proper dealing with rights and encumbrances.
- 15.2 For the reasons set out in the Report and the attached draft Statement of Reasons there are compelling reasons in the public interest for the exercising of the relevant powers and the making of the Orders referred to in the Recommendations.

16 BACKGROUND PAPERS

- 16.1 Finance and Policy Committee – 14th March 2022 – A19 Grade Separated Junction, Elwick Bypass and Hartlepool Western Link.
- 16.2 Report to the Tees Valley Combined Authority Cabinet – 27th July 2018 – Hartlepool Western Growth Corridor.
- 16.3 Finance and Policy Committee – 26th November 2018 – Hartlepool Western Growth Corridor – Funding Strategy.
- 16.4 Council – 30th December 2018 – Hartlepool Western Growth Corridor– funding strategy and compulsory purchase order.
- 16.5 Council – 28th September 2017 – Elwick Bypass and Grade Separated Junction – Prudential Borrowing Report.
- 16.6 Finance and Policy Committee – 24th July 2017 – Elwick Bypass and Grade Separated Junction – Prudential Borrowing Report.

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Sign Off:-

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- Chief Solicitor/Monitoring Officer ☒
- Chief Executive - Finance & Policy Committee ☒

APPENDIX 1

THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE
JUNCTION AND ELWICK NORTHERN BYPASS/HARTLEPOOL WESTERN LINK)
COMPULSORY PURCHASE ORDER 2023

THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE
JUNCTION AND ELWICK NORTHERN BYPASS/HARTLEPOOL WESTERN LINK)
(CLASSIFIED ROAD) (SIDE ROADS) ORDER 2023

THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE
JUNCTION AND ELWICK NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) (SLIP
ROADS) ORDER 2023

[THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE
JUNCTION AND ELWICK NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) (SIDE
ROADS) ORDER 2023

THE HIGHWAYS ACT 1980

AND

THE ACQUISITION OF LAND ACT 1981

DRAFT STATEMENT OF REASONS

March 2023

[...] indicates text to be updated or added before final publication

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APPENDIX 1**1. INTRODUCTION**

- 1.1. This document has been prepared on behalf of Hartlepool Borough Council ("the Council") and comprises the Statement of Reasons for the Hartlepool Borough Council (A19, Elwick Road and North Lane Junction, Elwick Northern Bypass and Hartlepool Western Link) Compulsory Purchase Order 2023 ("the CPO") and the Hartlepool Borough Council (A19, Elwick Road and North Lane Junction, Elwick Northern Bypass and Hartlepool Western Link) (Classified Road)(Side Roads) Order 2023 ("the SRO") (together "the HBC Orders").
- 1.2. The HBC Orders were made on [to be inserted] pursuant to the Highways Act 1980, the Road Traffic Regulation Act 1984 and the Acquisition of Land Act 1981 and all other relevant enabling powers and if confirmed by the Secretary of State for Transport ("the Secretary of State") will facilitate compulsory acquisition of the land and new rights required for new highway and improvements. The CPO comprises both an Order itemising interests in land and an Order Map identifying the land ("the Order Land").
- 1.3. The Scheme also necessitates the involvement of National Highways and the exercise of their powers on behalf of the Secretary of State, and those directly of the Secretary of State in respect of the A19 trunk road and this document has been prepared under delegated powers and comprises the Statement of Reasons for the Hartlepool Borough Council (A19, Elwick Road and North Lane Junction, Elwick Northern Bypass and Hartlepool Western Link)(Slip Roads) Order 2023 ("the Slip Roads Order" and the Hartlepool Borough Council (A19, Elwick Road and North Lane Junction, Elwick Northern Bypass and Hartlepool Western Link)(Side Roads) Order 2023 ("the A19 SRO") (together "the A19 Orders"). Section 2 of this Statement of Reasons provides further detail in respect of the relationship with National Highways and their powers.
- 1.4. Together the HBC Orders and the A19 Orders are "the Orders".
- 1.5. The HBC Orders and the A19 Orders have been made pursuant to the Council's resolution of 13 March 2023 and delegated authority thereunder and thereafter submitted to the Secretary of State for confirmation.
- 1.6. Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules; and Rule 16 of the Highways (Inquiries Procedure) Rules 1994 will apply.
- 1.7. This Statement has been prepared to support the Orders by describing its objectives and purpose of the proposals for the new grade separated A19, Elwick Road and North Lane junction and the Elwick Northern Bypass/Hartlepool Western Link ("the Scheme"). The main elements of the Scheme include an overbridge ("the Junction") and a single carriageway Bypass/Link ("the Bypass/Link") connecting the existing A19 to Elwick Road.
- 1.8. Section 3 of the Statement describes the aims and purposes of the Scheme. The Council seeks to assemble in its ownership land and interests and new rights included in the CPO to facilitate and enable the construction of the Scheme. The Council also seeks to stop up private means of access adjoining or adjacent to the Scheme and to provide new access to any such properties. This is required to improve highway functionality and road safety; to improve access and connectivity between the A19 and Hartlepool; to facilitate delivery of new homes and related development of social and

APPENDIX 1

community infrastructure in identified development areas in Hartlepool; and to improve road safety and the environment of the village of Elwick by removing through traffic. There is planning policy support in the adopted development plan for the Scheme and the wider regeneration proposals. Further details of the Scheme and related development are provided below.

- 1.9. Section 4 of this Statement sets out the powers under which the Orders have been made
 - 1.9.1. The CPO has been made under sections 239, 240, 246, 250 and 260 of the 1980 Act and of the Acquisition of Land Act 1981 and would, if confirmed by the Secretary of State for Transport, enable the Council, as acquiring authority, to acquire interests in land and rights compulsorily for the construction of the Scheme. The confirmation of the CPO will enable the Council to acquire the land and rights necessary for the construction and maintenance of the Scheme and ensure the necessary improvements are made to the local highway network and appropriate mitigation provided.
 - 1.9.2. Section 125 of the 1980 Act provides that any order made by the Council under section 14 may authorise the Council to stop up private means of access adjoining or adjacent to land comprised in the route of the classified road, or forming the site of any works authorised by such order; and to provide new private means of access to any such premises. The SRO and the A19 SRO which have been made under sections 14, 16 and 125 of the 1980 Act and all other enabling powers if confirmed by the Secretary of State for Transport, provides for the stopping up and improvement, raising, lowering, diverting or otherwise of highways which connect with the Scheme, for the construction of new highways, the stopping up of private means of access to land, the provision of new means of access to land and other associated works, including alterations to Public Rights of Way. The SROs, if confirmed, would thereby enable the construction of the Scheme and other necessary and associated works.
 - 1.9.3. The A19 Slip Roads Order has been made under section 10 of the 1980 Act and would, if published and thereafter made by the Secretary of State, enable the relevant parts of the new Junction to become trunk road.
- 1.10. If a CPO is to be justified it is necessary to demonstrate that there is a compelling case in the public interest. The Council considers that such compelling case exists. In coming to that view the Council has expressly had regard to the "Guidance on compulsory purchase process and the Crichel Down Rules" ("the Guidance"), and in particular has taken into consideration the following paragraphs of the Guidance:
 - 1.10.1. CPOs are an important tool to use as a means of assembling land needed to deliver social, environmental and economic change and used properly contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities and the promotion of business - leading to improvements in the quality of life. (Paragraph 1)
 - 1.10.2. It should be expedient to make a CPO and there should be a compelling case in the public interest. Notwithstanding that compulsory acquisition is

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intended as a last resort if an acquiring authority waits for negotiations to break down before starting the process, valuable time may be lost and initiating formal procedures can encourage those whose land is affected to enter more readily into meaningful negotiations. (Paragraph 2)

- 1.10.3. The purposes for which a CPO is made should justify interference with the human rights of those with interests in land affected. (Paragraphs 2 and 12).
- 1.10.4. It should be demonstrated that the acquiring authority has taken reasonable steps to acquire all of the land and rights required by agreement, except where land ownership is unknown or in question. (Paragraph 2 and 16).
- 1.10.5. An acquiring authority should provide substantive information about the sources of funding available for acquisition of land and implementation of the scheme. (Paragraph 14).
- 1.10.6. The confirming authority must take a balanced view between the public and private interests considering each case on its own merits. An acquiring authority must have clear proposals for the use of the land sought to be acquired compulsorily and must demonstrate that all necessary resources to achieve such objective are likely to be available within a reasonable timescale. (Paragraph 13).
- 1.10.7. It should also be shown that the Scheme is unlikely to be frustrated by any legal or physical impediments. (Paragraph 15).
- 1.11. The Council has given careful consideration to the reasons for the CPO and is satisfied that the above contents of Guidance are met, including that
 - 1.11.1. There is certainty as to the purposes it is to be used for, namely for the Scheme and that it will become highway maintainable at the public expense.
 - 1.11.2. The Council has undertaken conceptual and feasibility work in relation to the Scheme. It has also progressed design work in conjunction with National Highways. A planning application has been submitted to the Local Planning Authority under reference [to be inserted] The planning application establishes the road alignment and land-take requirements for the Scheme. This includes junctions, overbridge, carriageway, verge, underpasses, landscaping, and drainage. The Scheme has been designed in accordance with relevant planning and highways standards. The land-take required therefore reflects the necessity of meeting the required highway design standards.
 - 1.11.3. There is well-established planning policy support for the Scheme. The relationship with housing development to be facilitated by the Scheme is also well-established. The Scheme is clearly required as infrastructure necessary to unlock the delivery of housing. The Scheme will also provide strategic and local highway networks benefits and will remove through

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traffic from the village of Elwick with concomitant amenity and environmental benefits.

- 1.11.4. The Council has contacted affected owners and occupiers for the purpose of discussing appropriate terms for acquisition of interests and payment of compensation. Such discussions are ongoing. The Council has made efforts to notify all parties whose interests the Council needs to acquire for the Scheme. There are a small number of unregistered interests in unknown ownership that the Council seeks to acquire (as more particularly stated in the schedule to the CPO) and the requisite notices will be placed on the relevant Order Land in respect of these interests once the CPO has been made. It is readily apparent, however, that if implementation of the Scheme is to be achieved within a realistic timescale, combined with the presence of unregistered interests in unknown ownership, that compulsory purchase powers must be employed. The Guidance advises that it is often sensible for the formal CPO process to be initiated in parallel with negotiations to acquire the Order Land. This Statement demonstrates that the requirements of that Guidance and the requirements of Highways Circulars 1/97 and 2/97 have been met.
- 1.11.5. The Council commenced discussions in 2017 with all freehold landowners (there not being any known leasehold interests) whose interests will be required and has continued to try to reach agreement through negotiation with their appointed agents George F White Chartered Surveyors and Youngs RPS Chartered Surveyors since that time. To date the Council has not successfully reached agreements with any of the landowners but the Council is committed to continuing such discussions and negotiations in parallel with progress of the CPO.
- 1.11.6. There are a small number of statutory undertakers potentially affected by the Scheme (as more particularly stated in the schedule to the CPO) and the Council has been in contact with those. The Council is in the process of seeking to agree the relevant protective provisions to be undertaken.
- 1.11.7. The Council has also contacted other parties who may be affected either directly or indirectly.
- 1.11.8. The necessary resources are, or will be, in place to ensure delivery of the Scheme within a reasonable timescale as set out below.
- 1.11.9. The Scheme is not likely to be frustrated by any legal or physical impediments. The position regarding planning application and planning permission is as set out above. Together with the Orders hereby sought all necessary consents will be in place to authorise development and use of the Scheme.
- 1.11.10. The Council has an agreement in place with National Highways pursuant to section 6 of the Highways Act 1980 for the delivery of the A19/Elwick Road/Coal Lane Junction improvements.

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1.11.11. Provision will be made for agreement with the DfT for associated works pursuant to section 10 of the Highways Act 1980 to ensure the relevant parts of the new Junction become trunk road.

1.12. The Council therefore considers that, taking into account the foregoing, there is a compelling case in the public interest that justifies the interference with private interests in land. The Council has therefore made the CPO to secure all interests required in order to deliver the Scheme.

2. NATIONAL HIGHWAYS

2.1. The Scheme requires alterations to the existing A19 trunk road network and the provision of a new junction to the A19 trunk road network, which is the joint responsibility of National Highways, as well as alternations to and the provision of new roads falling within the authority of the Council as Highway Authority. It is agreed that the Council will deliver the Junction on behalf of National Highways and that upon completion of the overbridge, ownership of the structure will vest in National Highways who will be responsible for its management and maintenance as part of the A19 trunk road network while the responsibility for the maintenance of the road surface (in respect of those parts of the Junction not comprising a trunk road) will remain with the Council.

2.2. The design of the Junction has been developed and designed by the Council and National Highways has given its technical approval to that design. In addition, the Secretary of State for Transport has agreed to publish the required section 10 order to ensure the relevant parts of the Junction become trunk road.

2.3. National Highways are the highway authority for the A19 Junction elements of the Scheme and will retain ownership and maintenance obligations in respect of the overbridge (excluding the surface of that section of the road that is not subject to the section 10 order).

2.4. The Council has entered into an agreement pursuant to section 6 of the 1980 Act with both the Secretary of State for Transport and National Highways ("the S6 Agreement") by which the relevant powers of each have been delegated to the Council as is necessary to promote the Scheme the subject of the Orders.

2.5. Heads of Terms of a proposed S6 Agreement is appended as an appendix.

3. THE SCHEME

3.1. The Scheme is located on the A19 between the A179 Sheraton Interchange and the A689 Wolviston Interchange. The Junction is approximately 6km west of the main conurbation of Hartlepool and the Bypass/Link lies to the north west of the village of Elwick where it meets the Junction, extending to the east north east of Elwick Village where it joins the existing Elwick Road at the northern end of what is known as Devil's Elbow (being a double bend in Elwick Road to the east of Elwick Village where Elwick Road crosses Dalton Beck).

3.2. The A19 runs through the west of Hartlepool Borough and forms part of the Strategic Road Network under the control of National Highways. The road provides a key

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strategic north-south link, connecting Hartlepool to the rest of the region and to the wider road network. Within the vicinity of the site, the A19 is a dual-carriageway with two lanes in either direction and is subject to the national speed limit.

- 3.3. A plan showing the relevant part of the A19 is attached as an appendix.
- 3.4. There are presently two main junctions on the A19 linking to Hartlepool:
 - 3.4.1. The A19 / A179 / B1280 Junction ("Sheraton Interchange") is a compact grade-separated signal-controlled junction which has been improved and reconfigured to accommodate traffic-signal control to relieve queuing back on the slip roads to the mainline carriageway of the A19.
 - 3.4.2. The A19 / A689 Junction ("Wolviston Interchange") is a grade-separated signal-controlled junction which was improved in 2014 and reconfigured to accommodate traffic-signal control, to relieve queuing back on the northbound slip road to the mainline carriageway of the A19.
- 3.5. Elwick Village was previously served by two smaller junctions, crossing over the A19 at grade. For reasons of safety in 2019, the central reserve of the A19 was stopped up to prevent right-turn movements to and from the mainline carriageway of the A19. The position is therefore now as follows.
 - 3.5.1. The A19 / North Lane Junction is an at-grade priority-controlled junction between the A19 and North Lane. The junction is located to the north of Elwick village. Following the 2019 central reserve closure the junction currently operates as a left-in / left-out priority junction with appropriate deceleration and acceleration lanes.
 - 3.5.2. The A19 / Coal Lane / Elwick Road Junction is an at-grade priority-controlled junction between the A19, Coal Lane and Elwick Road. The junction is located to the south of Elwick village. Following the 2019 central reserve closure the junction operates as a left-in / left-out priority junction with appropriate deceleration and acceleration lanes.
- 3.6. At present Hartlepool is highly reliant on the A689 and the A179 to provide access from the A19 into the main conurbation of Hartlepool. The current reliance on the A689 and A179 routes have seen noticeable increases in traffic congestion over the past 10-15 years. The A19 dual carriageway is oriented north-south through the two at-grade junctions for Elwick. The speed limit is 70 mph. The annual average daily flow (AADF) of traffic for this section of the A19 was 52,526 in 2015 (Outline Business Case, Fore Consulting).
- 3.7. The local road network includes the following:
 - 3.7.1. In respect of the A19 / North Lane junction, heading south-eastwards from the A19, North Lane runs through Elwick Village where it joins Elwick Road as an at grade priority-controlled junction.
 - 3.7.2. Heading eastwards from the A19, Elwick Road runs through Elwick Village where the speed limit was reduced to 20mph in 2013. There is intermittent

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footway provision within the centre of the village, with wide grass verges for the remainder of the route. North Lane has footway provision on at least one side for its entire length.

- 3.7.3. Travelling further eastwards from Elwick towards the main conurbation of Hartlepool, Elwick Road is rural in character and subject to the national speed limit. There are no footways or street lighting provided on either side of the road.
- 3.7.4. Elwick Road meets School Lane and Dalton Piercy Road approximately 1.9km to the east of Elwick Village at a priority-controlled crossroads junction.
- 3.7.5. School Lane is a narrow, single-carriageway road, subject to the national speed limit. It runs northwards from Elwick Road to the A179.
- 3.7.6. Dalton Piercy Road runs southwards from Elwick Road, providing access to the village of Dalton Piercy and to the A19 at an at-grade priority-controlled junction. There are no footways present on either side of the road for the majority of its length.
- 3.7.7. Travelling further east, the speed limit on Elwick Road reduces from national speed limit to 30mph upon entry to the built-up area of Hartlepool. The road has a typical carriageway width of 6.0m, although local widening is provided to accommodate for ghost-island priority-controlled junctions with Kielder Road and Cairnston Road. There is a footway on the southern side of Elwick Road, commencing at the gated access to High Tunstall Farm and extending eastwards towards High Tunstall College of Science, and on the northern side from the junction with Woodhouse Lane. There are bus stops located on both sides of Elwick Road and regular street lighting is present.
- 3.8. A plan showing the existing highway layout is attached as an appendix.
- 3.9. Safety concerns have been an ongoing concern in respect of at-grade junctions on the A19 for a number of years. Road marking and traffic sign improvements were undertaken in 2008. More recently in 2019 central reserve gap closures were effected on the A19 at Elwick Road, North Road and at Dalton Piercy junctions. Despite efforts to improve the safety record baseline, the at-grade staggered junctions west of Elwick have a poor safety record including fatal accidents. Any safety benefits that have been achieved through past and more recent improvements are considered likely to be eroded through intensification of use of the junctions as a consequence of increased traffic volumes.
- 3.10. An option appraisal was undertaken of both principal elements of the Scheme, i.e. the Junction and Bypass/Link respectively. Five junction options were identified, each of which included a compact grade separated junction. Four Bypass/Link options were identified. The EAST assessment tool was used to assess the options against Scheme objectives including potential to provide additional capacity and to address the known safety concerns. Subsequently sensitivity assessments have also been carried out. The Scheme was identified as the preferred option having taken into account issues

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in respect of the land take, access issue for existing landowners, land levels, and highways safety issues.

- 3.11. Thereafter a full Transport Assessment was carried out examining the baseline conditions on the local transport network, considering relevant national and local transport policy and assessing Scheme impacts. The Transport Assessment concluded that: the Scheme accords with both national and local transport policy; is designed appropriately to meet predicted future traffic forecasts; provides appropriate junction functionality; will deliver capacity benefits across the network as a result of traffic reassignment; and contains acceptable merge and diverge layouts.
- 3.12. The Scheme would replace the two existing junctions and comprises a new bypass to the north of Elwick Village and a new grade separated junction at the A19 at the northern Elwick access point. It comprises a new grade separated junction on the A19 northern access, introducing the opportunity to cross the A19 safely via the overbridge, and a northern bypass of the village of Elwick. The proposals have been developed in line with the guidance provided by National Highways under the Design Manual for Roads and Bridges (DMRB).
- 3.13. The Scheme will take significant volumes of traffic out of the village of Elwick, making it a safer environment for its residents. It will also provide a safe and effective third access point from the A19 into and out of Hartlepool.
- 3.14. A plan showing the proposed Scheme layout is attached as an appendix.
- 3.15. The length of the Bypass/Link is approximately 1.5km from the A19 junction to the eastern roundabout, with the link from the 4 arm roundabout adjacent to the A19 to the left slip off on the north bound side of the A19 being approximately 0.8km. From the eastern end, the proposed new junction on Elwick Road will remove significant amounts of traffic movements around the local highway turning known as "Devil's Elbow" as it is anticipated that the existing Elwick Road route will largely be used by village traffic only once the Bypass is open to public use. The proposed route has been aligned so as to minimise impact on the adjacent agricultural land and loops round to the northern access on the A19 at Elwick.
- 3.16. The road will be 7.3m wide plus 1m rumble strip either side, with a combined width of 9.3m. No kerbs are proposed, but there will be stone filter drains alongside the carriageway. Construction materials include bridge concrete abutments and steel beams, clay embankments with underpasses and culverts formed of corrugated steel and pre-fabricated concrete.
- 3.17. In addition to the new grade-separated interchange and bypass, the improvement measures also include the following elements:
 - The provision of:
 - A Type A Taper Diverge northbound off-slip which provides access to Elwick Bypass from the northbound carriageway of the A19.
 - A Type B Parallel Merge northbound off-slip which provides access to the northbound carriageway of the A19 from the Elwick Bypass.

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- The closure of the A19 / Elwick Village Road (Church Bank) left-in / left-out at-grade priority junction, with access to the A19 prohibited.¹
 - The closure of the A19 / Coal Lane left-out at-grade priority junction, with access to the A19 prohibited, but with retention of the left-in junction. ²
 - The reconfiguration of the A19 / North Lane left-in / left-out at-grade priority junction and realignment of North Lane to provide access to a new four-arm roundabout to the north of Elwick Village.
 - The retention of the existing acceleration and deceleration lanes at the A19 / North Lane at-grade left-in / left-out junction.
 - The closure of the existing A19 / Middleton House access.
 - The provision of new private access road adjacent to the northbound carriageway of the A19 to facilitate access to Middleton House.
 - The realignment of North Lane from Elwick Village to tie into a new four-arm roundabout to the north of Elwick Village.
 - The provision of a new four-arm roundabout to the west of Elwick Village and east of the grade-separated interchange. The roundabout has been designed with an ICD of 50m and features flared two-lane entries on all approaches to the roundabout.
 - The provision of a new three-arm roundabout to the north east of Elwick Village. The roundabout connects the proposed bypass with Elwick Road (eastbound towards Hartlepool) and southbound (towards the village of Elwick) and has been designed with an ICD of 50m and features flared two-lane entries on all approaches to the roundabout.
- 3.18. It should also be noted that for the purposes of the definition of the Scheme that the Council considers that it also includes the A19 central reservation closures, given that they were an integral part of the planning of the Scheme and are necessary to enable the junction improvements and new link to be delivered as designed.
- 3.19. The Scheme would therefore achieve the following objectives and have the following benefits:
- 3.19.1. Improve the operation of and road safety at the at-grade A19-Elwick junction by construction of a new grade-separated junction and also contribute to wider improvements in road safety and functionality along the A19 corridor.

¹ Discussions are ongoing with National Highways in respect of their preferred legal process to achieve the closure of this junction.

² As for FN [1] above

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- 3.19.2. Improve connectivity by creating an additional main junction on the A19 and enhanced link into the main conurbation of Hartlepool and its rural hinterland.
- 3.19.3. Contribute to strategic and local traffic management including by relieving pressure on the existing A179 and A689 routes from the main conurbation to the A19.
- 3.19.4. Contribute to regeneration and growth in accordance with the key principles and spatial vision in the adopted Hartlepool Local Plan ("the Local Plan") particularly in order to bring forward housing development and associated social infrastructure. The delivery of a key housing allocation at High Tunstall being dependent on the delivery of the Scheme.
- 3.19.5. Improve road safety, bring environmental benefits to and protect the character of Elwick by reducing existing through traffic from the village.
- 3.20. As part of a package of measures to address safety concerns on the A19 central reserve closures have already been carried out. The construction of a grade separated junction with overbridge will further improve safety.
- 3.21. The Scheme will also include the following elements:
 - 3.21.1. The proposed alignment of the Scheme crosses four watercourses: Char Beck (part of Greatham Creek Catchment, being a tributary of tidal Tees), Boggle Beck and two unnamed watercourses, with the alignment of Char Beck being diverted along a short stretch as part of the Scheme. The proposed bypass is located within Flood Zone 1. With the designed mitigation however no residual impacts are predicted and the Scheme will have no detrimental impact on water quality, drainage or flood risk.
 - 3.21.2. Surface water attenuation will be provided via attenuation ponds which will be located within the Scheme and will discharge to both Dalton Beck and Char Beck. New culvert with "soft bottoms" will be provided and existing channel width maintained. A new watercourse channel will be created from the proposed attenuation ponds to the west of and parallel with the A19 which will feed into an existing watercourse.
 - 3.21.3. Lighting, road signs and markings will be installed in accordance with the relevant highway standards.
 - 3.21.4. The presence of National Grid overhead lines have been taken into account in the design process and its design guide requirements in respect of clearances has been incorporated into the Scheme design.
 - 3.21.5. There are no current proposed connections into the public sewerage network.
 - 3.21.6. Given the nature of the Scheme as a new road and interchange it will not be possible fully to mitigate for the change in landscape character but mitigation will be designed to the extent possible and is proposed to include:

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- 3.21.6.1. an at-grade profile or cutting along the northernmost alignment of the bypass;
- 3.21.6.2. creation of new habitat areas within remnant, truncated fields to include the provision of species rich grassland, woodland or small scale ponds;
- 3.21.6.3. new tree planting and the gapping up of existing hedgerows and the planting of new hedgerows to include a greater variety of species;
- 3.21.6.4. use of wildflower rich native seeds along new road verges, cuttings and embankments;
- 3.21.7. Whilst it is recognised that there will be some limited loss of trees, hedgerows and habitats substantial steps will be taken to mitigate impacts. The Scheme landscape mitigation will include new hedgerow planting, new tree screening, "gapping up" of hedgerows to improve habitat connectivity, wildflower rich verge mix planting, and new woodland planting. Best practice will more generally be followed in respect of ecological and habitat mitigation.
- 3.22. In terms of noise impacts, it is anticipated that the benefit of reducing through traffic Elwick Village will reduce the direct incidence of traffic related noise events. Moreover, noise assessments undertaken to date confirm that residential properties will not qualify for noise insulation regulations compensation.
- 3.23. As regards impacts on air quality, it is anticipated that reducing Elwick Village through traffic will provide air quality benefits to residents. The combined effect of the Scheme with residential development, such as at High Tunstall, will be positive in some locations and negative in others. In any event as reflected in the EIA the impacts of the Scheme are considered to be acceptable.
- 3.24. The land required for working space will be accommodated within the permanent land take required for the Scheme: the working space required for the Junction will be accommodated within the land take for the overbridge and the working space required for the Bypass/Link will be accommodated within the landscaping mitigation land.
- 3.25. Temporary access arrangements will principally be provided from the existing road network.
- 3.26. A number of new permanent accesses will be created as part of the Scheme and the SRO as required by the landowners. [Further text to reflect final design and SRO provisions to be inserted]
- 3.27. Public consultation on a version of the Scheme was undertaken in 2018 including a January 2018 consultation event for three days at Middleton Grange Shopping Centre in the centre of the main conurbation of Hartlepool, staffed at all times by two Council officers; and a February 2018 drop in consultation session at Elwick Parish Hall. Discussions were also entered into with Elwick Parish Council.

APPENDIX 1**4. DESCRIPTION OF THE ORDER LANDS**

- 4.1. The Order Land is shown on the CPO Map and comprises approximately [17.85] hectares and is situated on land to the north of Elwick village, which is situated to the west of the main conurbation of Hartlepool but east of the A19 dual carriageway. The affected land is a mixture of pasture and arable grade 3 farmland forming a wide strip crossing a number of different holdings, a farm access, private road and tracks. The land to the east of the A19 is mainly gently undulating but drops away more steeply to a stream near the eastern end. A similar area of farmland on the western side of the A19 is also part of the Order Land, but whilst the land on the east of the A19 bisects the various holdings, the land on the western side consists of areas adjoining the A19 on the eastern sides of the 2 holdings involved. Field boundaries are mainly fenced but with some hedging. There are no buildings or other structures (apart from fences) on the land.
- 4.2. Full details of the Order Land appear in the Schedule to the CPO, but in summary it includes the acquisition of land and the creation of new rights in respect of land at:
- 4.2.1. Land at High Barns Farm, Elwick, Hartlepool TS27 3HE Title No. CE 170754.
- 4.2.2. Land at House Farm, Elwick, Hartlepool TS27 3EN Title No. CE146944.
- 4.2.3. Land at The Parks, Elwick, Hartlepool Title No. CE219676.
- 4.2.4. Land at Village Farm Bungalow, Elwick, Hartlepool Title No. CE174382.
- 4.2.5. Land at Martindale Farm, Elwick, Hartlepool Title No.s CE41831 and CE144195.
- 4.2.6. Land at Potters Farm, 9 The Green, Elwick, Hartlepool TS27 3ED Title No. CE154388
- 4.2.7. Land at North Farm, Elwick, Hartlepool TS27 3ED Title No. CE176982.
- 4.3. Details of known and unknown interests and rights to be acquired are listed in the Schedule to the CPO. This Schedule has been prepared based upon information gathered through a land referencing exercise comprising of inspection of Land Registry title documents, site inspections and enquiries. In addition statutory requisition notices have been used to confirm both ownership and occupation.

5. ENABLING POWERS

- 5.1. The Order has been made by the Council pursuant to all relevant powers contained in the Highways Act 1980 specifically sections 239 (construction and improvement), 240 (improvement) 246 (mitigation of adverse effects), 250 (rights) and section 260 (clearance of title to land acquired for statutory purposes).
- 5.2. S239 of the 1980 Act provides that a highway authority may acquire land required for the improvement of a highway where works are to be carried out on land outside but adjoining the boundary of an existing highway.

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- 5.3. S240 of the 1980 Act provides for acquisition of land in connection with construction or improvement of a highway.
- 5.4. Section 246(1) of the 1980 Act provides the power to acquire land compulsorily outside the proposed boundary of a highway for the purpose of mitigating any adverse effect which the existence or use of highways constructed or improved by them has or will have on the surroundings of those highways. That is, it allows the acquisition of land needed to maintain or improve the environment of areas adjacent to a highway. The Secretary of State's policy is that it is considered desirable that wherever possible section 246(1) land should be included in the same CPO as the land required for the highway itself. Once such land has been acquired, the Highway Authority may make suitable use of it under Section 282 of the 1980 Act which enables the carrying out of works for mitigating the adverse effects which the existence or use of a highway has or will have on the surroundings of the highway. That is, there are express powers to erect physical barriers (such as walls, fences, screens or mounds of earth) alongside roads in order to reduce the effects of traffic noise on people living nearby.
- 5.5. Section 250 of the 1980 Act provides for the compulsory acquisition of rights over land and the creation of new rights. The kind of rights for which these provisions provide for include: the right to lay and maintain drains and associated works; the right to carry out works on watercourses; the right to place and maintain footings or ground anchors in land; the right to reshape or regrade land outside the boundaries of a highway or new proposed highway; the right of access for the construction and maintenance of a retaining wall.
- 5.6. The Council is using its powers of compulsory acquisition because:
- 5.6.1. notwithstanding that negotiations with affected parties have been ongoing for some considerable time, it is not certain that it will be able to acquire by agreement all the land and new rights required; although of course it will continue to negotiate in parallel with the Order process; and
- 5.6.2. the Scheme includes a [2] parcels of unregistered land in unknown ownership [along with [6] parcels of unregistered mines and minerals interests in unknown ownership] which the Council is unable to acquire by agreement
- 5.7. Section 14 of the 1980 Act authorises the Council as the Highway Authority to stop up divert, improve or otherwise deal with a highway that crosses or enters the route of the Junction and/or Bypass/Link.
- 5.8. Section 110 of the 1980 Act further authorises the Council as the Highway Authority to divert an existing non-navigable watercourse in connection with the construction, improvement or alteration of a highway.
- 5.9. Section 125 of the 1980 Act empowers the Council to deal with any private means of access affected by the Junction and/or the Bypass/Link including the provision of a new means of access.
- 5.10. Section 10 of the 1980 Act allows for the Secretary of State to make an order which will ensure that the new road being provided is to become a trunk road and thereafter

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to be treated as such. The Secretary of State has drafted such an order and has delegated to the Council pursuant to the S6 Agreement the power to publish it.

- 5.11. Section 41 of the 1980 Act applies in respect of the duty it creates for both existing roads and new roads to be constructed to be maintained at public expense, all material powers are given to the Council as set out in the S6 Agreement.

6. JUSTIFICATION FOR THE CPO

- 6.1. The Scheme's purposes include improving highway functionality and road safety on the A19 and local highway network, improving connectivity with the A19, relieving pressure on existing routes in Hartlepool, contributing to regeneration and growth in accordance with key principles and policies of the Local Plan, and benefitting Elwick Village by reducing through traffic. The Scheme is integral to bringing forward housing development and associated social infrastructure on allocated sites in the Local Plan.
- 6.2. The purpose of seeking to acquire land compulsorily is to ensure all land and interests on the route of the Scheme can be acquired to facilitate its construction and adoption, which will subsequently support the further development of housing together with the wider highway and environmental outcomes set out above.
- 6.3. The Council is using its powers of compulsory purchase contained in the Highways Act 1980 because acquisition of the land and new rights is required to enable the Scheme to be constructed. The purpose of proposed acquisition is to facilitate the delivery of the Scheme and so in turn contribute to the Council's planning policy objectives within a realistic timescale, including facilitating the delivery of new housing development.
- 6.4. The CPO is required in order to ensure achievement of the Council's policy objectives within a realistic timescale. Although reasonable efforts have been made, and will continue to be made, to acquire the necessary land and rights by private treaty in order to be able to develop the Scheme, it is apparent that the CPO is required to ensure that there is sufficient certainty that it can come forward within a reasonable time period.
- 6.5. Compulsory purchase will enable the construction of the Scheme to take place in a timely fashion in order to derive the public benefits identified herein and the realisation of the Council's planning policy objectives. It is considered that compulsory purchase is not only necessary but also justifiable and that there is a compelling case in the public interest.
- 6.6. The Scheme is clearly in accordance with the adopted Local Plan for the area. It is expressly recognised in Policy LS1, the key strategic Local Plan policy, in the following terms *"the key new element of strategic infrastructure proposed is a bypass to the north of Elwick Village along with a new grade separated junction on the A19 which will create a third high quality and safe access from the A19 into Hartlepool"*. The Local Plan furthermore clearly links the Scheme to the strategic policy and site specific allocations for new housing forming part of the western extension of Hartlepool. The policies sets out that such allocations are subject to tests including assessment of the need for the Scheme that would both serve the proposed development satisfactorily and be funded in part by the housing development and also produce clear public benefits to users of the highway system.

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- 6.7. The Scheme will promote and improve the well-being of Hartlepool residents and visitors by unlocking a significant element of housing development that will play a key role in meeting the borough's wider growth targets. It will bring significant benefits to western Hartlepool and the wider area, including facilitating the development of land to deliver new homes that forms a key part of the Council's Local Plan Strategy. The Scheme and housing construction programme will also contribute to jobs and economic growth across the borough.
- 6.8. The Scheme will deliver significant direct journey time benefits for people and goods seeking to access the western part of Hartlepool and indirectly produce benefits to road users on other links to the town by reducing congestion. It will create new highway capacity that will reduce the impact of background traffic growth and traffic growth as a result of new housing development on the existing urban area and more specifically on Elwick village.
- 6.9. The purpose of the proposed acquisition is clear. The land to be compulsorily acquired will be required and adopted for highway uses. There is a clearly stated planning policy requirement to bring the Hartlepool western extension housing development forward as set out in the Local Plan and the Scheme is clearly required as the critical infrastructure to realise the full potential of the housing allocations.
- 6.10. The Council has undertaken feasibility testing of options for the Scheme and the extent of land required for its delivery. It is satisfied that the land identified for the Scheme is required having regard to wider spatial planning and policy objectives; highway standards as specified in Department for Transport's 'Design Manual for Roads & Bridges' (DMRB) and otherwise; limiting incursion into open countryside; the Green Belt; and the need to ensure continued access to private agricultural fields both during construction and post-completion of the Scheme. The route alignment therefore reflects a balance in order to deliver high quality highways infrastructure in accordance with design best practice and all other material considerations.
- 6.11. The necessary resources are, or will be, available to achieve delivery of the Scheme within a reasonable timescale, including land acquisition, compensation costs and any blight liability. The costs of the Scheme will be recoverable over time through contributions from housing developments and have been secured as planning obligations through s106 legal agreements attached to planning approvals for housing. The Council has approval in principle for capital grant funding of £4,172,500 from Tees Valley Combined Authority (TVCA) with a further £4,072,500 to be provided by Homes England or TVCA. The initial grant from TVCA includes £1.16m of funds for project development and allows for full draw down of the grant subject to completion of all stages of the Business Case and approval process which will ultimately be contingent on a successful outcome to all relevant statutory procedures. The Council has also resolved to use its ability to access borrowing to fund the gap between outturn scheme costs and available funding and in any case to underwrite all the costs associated with acquiring land should these exceed the available grant and s106 monies.
- 6.12. Subject to confirmation of the Orders, the Scheme is unlikely to be prevented by any physical or legal impediments to implementation. A planning application for the Scheme has been submitted. The application clearly sets out the route alignment and land take requirements for all aspects of the Scheme including the junction, overbridge,

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carriageway, verges, footways, cycleways, crossings, landscaping and drainage that will enable its construction and adoption.

A19

- 6.13. The Scheme will improve the operation of and road safety at the at-grade A19-Elwick junction by construction of a new grade-separated junction and also contribute to wider improvements in road safety and functionality along the A19 corridor.
- 6.14. Historically the A19 in this location has had a relatively poor safety record. In particular, one fatality in June 2014 was the subject of a coroner's report which highlighted the need to address safety issues arising on the A19. The Scheme has therefore evolved in part as a response to that record and those concerns. A first step towards improving safety has been the closure of the central reservation gaps. Those closures have, in turn, enabled the development of the Scheme proposals which, if implemented, will further improve safety by means of provision of the new junction and associated stopping up. Specifically the Scheme will therefore make the following further improvements:
- 6.14.1. the closure of the left/out turn from Coal Lane onto the A19 will prevent vehicles joining the A19 at a location where there is an inadequate slip road and visibility splay by current design standards;
 - 6.14.2. the closure of the existing private access onto the A19 will prevent vehicles, and in particular slow moving farm vehicles, joining the A19 at a location where there is an inadequate slip road by current design standards;
 - 6.14.3. the closure of the A19 / Elwick Village Road (Church Bank) left-in / left-out at-grade priority junction, with access to the A19 prohibited will prevent vehicles joining the A19 at a location where there is an inadequate slip road by current design standards;
 - 6.14.4. The introduction of the overbridge also provides a safe right turn option from the A19 northbound to Elwick Village and from Elwick Village to the northbound A19. Motorists are therefore considered to be less likely to take chances and conduct riskier manoeuvres by effecting u-turns at any farm access where the central reserve gaps remains open.
 - 6.14.5. The provision of a third main access route within the borough will reduce the likelihood of vehicles queuing back onto the A19 from the northbound off-slip roads at both the A689 and A179 junctions, which is currently a regular occurrence leading to congestion as through traffic has to move out of Lane 1, and also posing significant safety concerns over the risk of collisions.
- 6.15. Overall journey times to and from the A19 will be significantly improved by provision of a third main access.

APPENDIX 1Improved connectivity

- 6.16. The Scheme will improve connectivity with the A19 by creating an additional main junction on the A19 and enhanced links to the borough.
- 6.17. It will provide better and more direct access to the west of Hartlepool and in particular to the housing forming a western extension of the main conurbation. However it will also contribute more generally by enhancing accessibility to job opportunities, retail and leisure in the borough.

Relieve pressure on the existing A179 and A689 routes

- 6.18. The Scheme will contribute to strategic and local traffic management including by relieving pressure on the existing A179 and A689 routes in Hartlepool to the A19, providing a more direct link to western Hartlepool, and as a result reducing congestion on the A179 and A689.
- 6.19. Local network modelling indicates that the Scheme is forecast to improve overall network conditions in both AM and PM peaks. This includes generally being forecast to reduce overall network delays and average queuing, particularly as more traffic is present on the network. The Scheme is also forecast to give rise to significant capacity benefits across most time-periods assessed.

Alignment with the Local Plan and contribution to housing development

- 6.20. The Scheme will contribute to regeneration and growth in accordance with the key principles and spatial vision in the adopted Local Plan, particularly in order to bring forward housing development and associated social infrastructure. Central to this is the aim to plan for the people and places of Hartlepool in a sustainable way and to meet the needs of anticipated population growth. The Local Plan seeks to concentrate housing growth in areas adjoining the existing built up area such as High Tunstall and the South West Extension, together with some limited extensions to Elwick and Hart villages. The delivery of key housing allocations at High Tunstall and Quarry Farm(2) are a critical part of Hartlepool's overall planning policy and its plans to meet housing need and demand. In addition the Local Infrastructure Plan recognises the connection between the housing allocation at High Tunstall and the required delivery of the Scheme in order that such allocated and indeed the consented site is to be brought fully forward. The Scheme is a necessary step in this development process by creating the strategic highway capacity and more direct linkage from the A19 to the development sites to enable full construction and occupation of new homes. The Scheme is thus an integral part of the Council's regeneration and housing proposals established in the Local Plan.
- 6.21. The Scheme will facilitate the regeneration and growth of Hartlepool in line with the key principles and spatial vision in the Local Plan by making housing commercially realisable.
- 6.22. The Scheme is in accordance with Local Plan policy. Policy LS1 is the strategic driver underlying the Plan's contents. It expressly identifies the strategic relationship between development and new highways infrastructure, stating that "*the development of Hartlepool will be based on a strategy of balanced urban growth with expansion being*

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concentrated in areas adjoining the existing built up areas and adjacent to areas of strong economic growth but ensuring growth occurs in a controlled way and is delivered alongside local and strategic infrastructure improvements which allow Hartlepool to grow in a sustainable manner. The key new element of strategic infrastructure proposed is a bypass to the north of Elwick Village along with a new grade separated junction on the A19 which will create a third high quality and safe access from the A19 into Hartlepool" (emphasis added).

- 6.23. In order that allocated housing sites are delivered in full it is necessary to effect the improvements contained within the Scheme.
- 6.24. The respective Local Plan housing site policies (HSG5: High Tunstall; HSG5a: Quarry Farm 2; HSG7: Elwick Village and HSG3(3): Briarfields), included a prohibition on development *"prior to the implementation of the grade separated junction and bypass to the north of Elwick Village unless otherwise agreed with Highways England and the Borough Council."* The Local Infrastructure Plan in turn contains further requirements for financial contributions to the Scheme to be payable in relation to each of the phases of the above allocated sites.
- 6.29. The present position moreover is that the High Tunstall and Quarry Farm 2 sites now benefit from planning permission and in respect to High Tunstall a condition restricting housing numbers pursuant until the Scheme has been delivered. It is therefore necessary to bring forward the necessary highways improvements comprised in the Scheme in order to achieve the strategic objectives of the Local Plan.
- 6.25. The Scheme is also expressly cited in policy INF2: Improving Connectivity in Hartlepool, which further recognises the necessity for improved linkage with the A19 and additionally the relationship between allocated development and highways improvements. It therefore protects the land required for the Scheme and expressly provides that no permanent development will be permitted within land corridors shown on the Policies Map and which includes *"Grade separated junction on A19 (T) at Elwick; improvements and realignment of Elwick Road including bypass north of Elwick village, and realignment of Coal Lane"*.
- 6.26. Other Local Plan policies are relevant to infrastructure quality standards and for example the Scheme aligns with high design standards as required by policies QP3 (Location, Accessibility, Highway Safety and Parking) and QP4 (Layout and Design of Development).

Benefits to Elwick village by removal of through traffic from the village.

- 6.27. The Scheme will minimise the impact that traffic arising from existing and new homes has upon Elwick village by the relocation of through traffic to the new Bypass/Link. It will also deliver improvements to air quality and other environmental parameters in the village improve the quality of life for existing residents.

7. CASE FOR ACQUISITION OF INDIVIDUAL INTERESTS AND RIGHTS

- 7.1. In accordance with the Governments' Guidance on Compulsory Purchase Process and the Crichel Down Rules the Council has undertaken efforts to acquire the CPO Land by agreement.

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- 7.2. The interests sought to be acquired relate to the following, as further identified in the CPO:
- 7.2.1. High Barns Farm
 - 7.2.2. Village Farm
 - 7.2.3. Martindale Farm
 - 7.2.4. Potters Farm
 - 7.2.5. North Farm
 - 7.2.6. Middleton House Farm
 - 7.2.7. The Parks
- 7.3. Letters were initially sent in August 2017 to the agents for all known landowners identified as being directly affected. The correspondence advised that the Council would wish to acquire the relevant land on a deemed CPO basis and in accordance with the Compensation Code. All of the affected landowners are represented by agents. Indeed a number are represented by the same agent. Negotiations have accordingly been conducted via such representatives.
- 7.4. Negotiations have continued since the initial letters were sent to the landowners but at the present time agreement has still not been reached with any of the landowners and consequently none of the Order Lands has been acquired or is under contract to be acquired by the Council.
8. **JUSTIFICATION FOR THE SRO and the A19 SRO**
- 8.1. The SRO and the A19 SRO, if confirmed, will authorise the Council to improve highways, stop up existing highways and private means of access to properties affected by the Scheme, and to construct new highways and provide new private means of access required as a consequence of the Scheme.
- 8.2. A copy of the SRO Plan and the A19 SRO Plan are appended as an appendix and which show the extent to which it is necessary to carry out works to existing highways, stopping up of existing highways, stopping up of private means of accesses, and the provision of new private means of access to premises that are likely to be affected by the Scheme.
- 8.3. The proposed alterations to existing highways and private means of access to premises affected by the Scheme are detailed in the schedules to the SRO and the A19 SRO and shown diagrammatically on the SRO Plans and the A19 SRO Plans.
- 8.4. The SRO and the A19 SRO and the necessary changes to the highways and private means of access to premises affected by the SRO are an integral part of the proposed construction of the Scheme, the details of which are set out below:

APPENDIX 1Highway to be stopped up

- 8.4.1. [Details as shown on SRO plans, written text to be inserted - to describe the various areas of highway to be stopped up and what each area of land to be stopped up will be used for in the context of the Scheme].

New Highway to be provided

- 8.4.2. [Details as shown on SRO plans, written text to be inserted to describe any new highways to be provided under the SRO/A19 SRO].

Private means of access to be stopped up and new means of access

- 8.4.3. [Details as shown on SRO plans, written text to be inserted to describe the various private means of access to be stopped up and reasons for their being unable to be continued to be used following implementation of the Scheme, and a description of the new private means of access]
- 8.5. The SRO is made in relation to the existing North Road and Elwick Road to be improved and the new Bypass/Link to be constructed.
- 8.6. The A19 SRO is made in relation to the A19 to be improved and a short length of the new A19 to be constructed and tied into the Bypass/Link. This latter section of the A19 will be subject to the A19 Slip Roads Order prior to the confirmation of the A19 SRO.
- 8.7. The Council is satisfied that where highways are to be stopped up, as a consequence of the Scheme, other reasonably convenient routes for those highways will be provided under the Scheme, allowing the Secretary of State for Transport to satisfy himself on that matter under section 14(6) of the Highways Act 1980, in his consideration of the SRO and the A19 SRO.
- 8.8. The Council is also satisfied that where private means of access to premises are to be stopped up under the SRO and the A19 SRO, that it is providing another reasonably convenient means of access to the relevant premises under the Scheme, or that other reasonably convenient means of access to those premises already exist allowing the Secretary of State for Transport to satisfy himself on that matter under section 125(3) of the Highways Act 1980, in his consideration of the SRO and the A19 SRO.
- 8.9. Additionally, where the Scheme severs land, the Council has addressed the need to provide new means of access to severed land where necessary and where not otherwise served by existing means of access to such land.

9. **PLANNING POLICY**

- 9.1. This section identifies relevant national and local planning policies and other material considerations and addresses how the need for the Scheme and its related objectives accord with the requirements of planning policy.
- 9.2. The National Planning Policy Framework (NPPF) was published by the Ministry of Housing, Communities and Local Government in July 2021. The NPPF sets out how

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the planning system will contribute to achieving sustainable development. In effect, this means planning is required to perform the following three specific roles:

- An economic role, contributing to building a strong, responsive and competitive economy.
- A social role, supporting strong, vibrant and healthy communities.
- An environmental role, protecting and enhancing the natural, built and historic environment.

- 9.3. Of pertinence to the Scheme proposals, the NPPF states that planning policies should *"Identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development"*.
- 9.4. Planning Practice Guidance (PPG) brings together many areas of English planning guidance into a stream-lined format, which is linked to the NPPF. PPG replaces previous planning practice guidance documents. The guidance is a key material consideration in the decision-making process, set within the overarching NPPF. The content and structure of the Transport Assessment submitted in support of the planning application has been prepared in accordance with the PPG.
- 9.5. DfT 'Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development'³ (the Circular) sets out the way in which National Highways will engage with communities and the development industry to deliver sustainable development and, thus, economic growth, whilst safeguarding the primary function and purpose of the Strategic Road Network. [It replaces the policy set out in 'Circular 02/2007 Planning and the Strategic Road Network' and 'Circular 01/2008 Policy on Service Areas and other Roadside Facilities on Motorways and All-purpose Trunk Roads in England'.]
- 9.6. The Circular expressly addresses the relationship between development proposals and highway capacity including that *"Where the overall forecast demand at the time of opening of the development can be accommodated by the existing infrastructure, further capacity mitigation will not be sought"* (paragraph 27) and that *"Where appropriate, proposals for the creation of new junctions or direct means of access may be identified and developed at the Plan-making stage in circumstances where it can be established that such new infrastructure is essential for the delivery of strategic planned growth."* (paragraph 39).
- 9.7. Local Planning Policy is set out in a suite of documents including the following:
- 9.7.1. Hartlepool Local Plan and Local Plan Policies Map
 - 9.7.2. Hartlepool Local Infrastructure Plan
 - 9.7.3. Hartlepool Rural Neighbourhood Plan 2016-2031

³ The Strategic Road Network and the Delivery of Sustainable Development, Department for Transport, 2013.

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- 9.7.4. High Tunstall Masterplan (Adopted December 2018)
- 9.8. Other relevant plans and strategic documents include:
- 9.8.1. Highways England Strategic and Delivery Plans 2020-2025
- 9.8.2. Transport for the North – Strategic Transport Plan
- 9.8.3. Northern Powerhouse: One Agenda, One Economy, One North
- 9.8.4. Northern Powerhouse Independent Economic Review
- 9.8.5. Tees Valley Combined Authority Strategic Transport Plan
- 9.9. The Hartlepool Local Plan⁴ was adopted by Hartlepool Borough Council in May 2018. It replaces the saved policies of the 2006 Local Plan. The Local Plan is the key Development Plan Document (DPD) within the Local Development Framework (LDF) and sets out the spatial vision and strategic objectives for the Borough for the period 2016 to 2031.
- 9.10. Local Plan Policies and strategies relevant to the Scheme proposals include the following.

Policy LS1 (Locational Strategy)

- 9.10.1. Policy LS1 is the main Locational Strategy policy for Hartlepool. It recognises that previous reliance on constraining development to the urban area is no longer viable and whilst promoting viable brownfield sites nonetheless allows a westward expansion into greenfield land.
- 9.10.2. In so doing it seeks to concentrate housing growth in areas adjoining the existing built up area such as High Tunstall and the South West Extension, together with expansion at Wynyard and some limited extensions to Elwick and Hart villages.
- 9.10.3. It cross-refers to the Local Infrastructure Plan and recognises the connection between the High Tunstall and Quarry Farm 2 housing allocations and delivery of the Scheme.
- 9.10.4. Policy LS1 is the strategic driver underlying the Plan's contents. It expressly identifies the strategic relationship between development and new highways infrastructure. It states:

“The development of Hartlepool will be based on a strategy of balanced urban growth with expansion being concentrated in areas adjoining the existing built up areas and adjacent to areas of strong economic growth but ensuring growth occurs in a controlled way and is delivered alongside local and strategic infrastructure improvements which allow Hartlepool to grow in a sustainable manner. The key new element of strategic infrastructure proposed is a bypass to the north of Elwick Village along with a new grade

⁴ Hartlepool Local Plan, Hartlepool Local Planning Framework, Hartlepool Borough Council, 2018.

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separated junction on the A19 which will create a third high quality and safe access from the A19 into Hartlepool.” (Emphasis added).

- 9.10.5. Policy LS1 also makes reference to new housing development to be located as shown on the proposals map and including:
- *A south west extension of the town (which benefits from planning permission) of approximately 1250 new dwellings in accordance with policy HSG4.*
 - *An extension of the town at High Tunstall of approximately 1200 new dwellings in accordance with policy HSG5.*
- 9.10.6. There are triggers in legal agreements linking payments towards the Scheme to housing delivery. It is therefore necessary to bring forward the necessary highways improvements comprised in the Scheme in order to achieve the strategic objectives of the Local Plan. Further details about the relationship between housing and Scheme are set out below.

Policy INF2: Improving Connectivity in Hartlepool

- 9.10.7. Policy INF2 further recognises the linkage between development and highways improvements. It states that planning conditions or legally binding agreements will be used to secure any improvements necessary to the transport network as a result of a development and that financial contributions may be required from developers. Policy QP1 (Planning Obligations) and the Planning Obligations Supplementary Planning Document set out the type of contributions likely to be required.
- 9.10.8. Policy INF2 also expressly provides that no permanent development will be permitted within land corridors shown on the Policies Map that are reserved for the following road and rail schemes:

"Grade separated junction on A19 (T) at Elwick; improvements and realignment of Elwick Road including bypass north of Elwick village, and realignment of Coal Lane;

A link road between approved housing development at South West Extension and proposed development at High Tunstall;...

Other policies relating to infrastructure quality standards

- 9.10.9. New transport infrastructure should also where appropriate conform to high design standards set out in policies QP3 and QP4, and link into the Borough Council's green infrastructure network identified in policy NE2 (Green Infrastructure).

Policy HSG5: High Tunstall Strategic Housing Site

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9.10.10. The High Tunstall site is allocated for approximately 1200 dwellings. The site covers an area of approximately 83.50 hectares as illustrated on the Policies Map. The development will be phased over the plan period.

9.10.11. Policy HSG5 states that:

"No development will be permitted prior to the implementation of the grade separated junction and bypass to the north of Elwick Village unless otherwise agreed with Highways England and the Borough Council".

9.10.12. The Local Infrastructure Plan gives further detail on the infrastructure requirements linked to the site and states that developer contributions will be secured to repay any loans secured in relation to the Scheme.

9.10.13. High Tunstall Masterplan was endorsed by the Council's Regeneration Services Committee on 17 December 2017 and is a material consideration in the determination of planning applications for the High Tunstall site and states as follows:

"Prior to the occupation of any of the dwellings within Phases 2-8 inclusive, the scheme to provide the northern bypass of Elwick Village and the grade separated junction on the A19 at the northern junction with the A19 shall have been completed and be operational to the satisfaction of the Local Planning Authority. This scheme is being developed by Hartlepool Borough Council".

9.10.14. Outline planning permission for the High Tunstall site was granted by the Council on 14 March 2019 under reference H/2014/0428 for residential development comprising up to 1200 dwellings of up to two and a half storeys in height and including a new distributor road, local centre, primary school, amenity open space and structure planting. Reserved matters approvals in respect of access, appearance, landscaping, layout and scale for the erection of 162 no. residential dwellings and associated engineering works were granted by the Council on 6 November 2020 under reference H/2020/0048.

9.10.15. Condition 8 of the outline permission H/2014/0428 states:

"prior to the occupation of the 209th dwelling of the 1200 dwellings hereby approved, the scheme to provide a bypass of Elwick Village and a grade separated junction on the A19 shall be fully open to traffic, to the satisfaction of the Hartlepool B, Durham BC and Highways England".

Policy HSG5a: Quarry Farm (2) Housing Site

9.10.16. The Quarry Farm (2) housing development is allocated for approximately 220 dwellings. The site covers an area of approximately 11.30 hectares as illustrated on the Policies Map. The development will be phased over the plan period.

9.10.17. Policy HSG5a states that

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“No development will be permitted prior to the implementation of the grade separated junction and bypass to the north of Elwick Village unless otherwise agreed with Highways England and the Borough Council”.

- 9.10.18. The Local Infrastructure Plan gives further detail on the infrastructure requirements linked to the site and states that developer contributions will be secured to repay any loans secured in relation to the Scheme.
- 9.10.19. Outline planning permission for the Quarry Farm 2 site was granted by the Council on 12 October 2018 under reference H/2015/0528 for residential development for up to 220 residential dwellings with associated access, all other matters reserved. Reserved matters approvals for the erection of 220 no. residential dwellings were granted by the Council on 23 January 2020 under reference H/2019/0352.

Policy HSG7: Elwick Village Housing Development

- 9.10.20. The Potters Farm/ North Farm site at Elwick Village is allocated for a total of approximately 35 dwellings as illustrated on the Policies Map, to be phased over the plan period, and is required
- “to contribute, on a pro-rata basis with High Tunstall (HSG5), Quarry Farm 2 (HSG5a) and Briarfields (HSG3(3), to the provision of the grade separated junction and bypass to the north of Elwick Village.”*
- 9.10.21. No planning applications have yet been received or determined in respect of HSG7 allocated site.

Policy HSG3: Briarfields Housing Development

- 9.10.22. The Briarfields site at is allocated for a total of approximately 14 dwellings as illustrated on the Policies Map, to be phased over the plan period, and is required
- “to contribute, on a pro-rata basis with High Tunstall (HSG5), Quarry Farm 2 (HSG5a) and Potters Farm/North Farm Elwick (HSG7), to the provision of the grade separated junction and bypass to the north of Elwick Village.”*
- 9.10.23. No planning applications have yet been received or determined in respect of HSG3 allocated site.

Policy NE7: Landscaping Along Main Transport Corridors

- 9.10.24. Main road corridors within the borough are considered to be an integral part of the green infrastructure network and a high standard of landscaping, tree planting and design are necessary to ensure the routes remain attractive.

Local Infrastructure Plan

- 9.11. The Local Infrastructure Plan (2016) (LIP) identifies infrastructure required to facilitate and deliver allocations and proposals within the Local Plan, responsibilities for delivery,

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and sources of funding. The LIP is a key element of the Local Plan evidence base and will be a mechanism by which its delivery can be monitored. As well as setting out a realistic delivery programme for the Local Plan, it also takes account of other local authority strategies and delivery plans and investment programmes from infrastructure providers.

- 9.12. Whilst policies in the Local Plan will provide the spatial direction for Hartlepool, the LIP provides a framework within which timely funding and delivery of supporting infrastructure that reflects the scale and type of development and the needs of the locality can be identified and delivered. Without timely delivery of infrastructure new development may be delayed and/or there could be unacceptable social, economic or environmental impacts on existing infrastructure.

- 9.13. With regards to connectivity and transport in Hartlepool, the LIP notes that:

"A particular weakness for Hartlepool is the reliance on only two principal access points to/from the A19, namely the A179 and the A689. Both of these access points are becoming increasingly congested. As well as acting as a physical constraint on specific development proposals, congestion and delays can have a significant impact on economic performance and act as a deterrent to future expansion and investment. A key strategic aim of the Local Plan is to provide a new grade separated junction on the A19 at Elwick, to be delivered in conjunction with new housing development in the north west of the town. This will provide an alternative, safe access to the A19 and relieve congestion at the A179 and A689 junctions, reducing the costs associated with delays and improving reliability of the road network."

- 9.14. The LIP identifies a number of projects that now have been or will be required to contribute to improvements to the highway network in order for development to proceed and additionally to ensure the safety and efficiency of the highway network over the Local Plan period.

Hartlepool Rural Neighbourhood Plan

- 9.15. The Hartlepool Rural Neighbourhood Plan (the Neighbourhood Plan) was made in December 2018. The Neighbourhood Plan relates to the designated rural parishes of Brierton, Claxton, Dalton Piercy, Elwick, Greatham, Hart, and Newton Bewley.
- 9.16. Policy T1 (Improvements to the Highway Network) states that financial contributions will be sought from development proposals towards improvements to the highway network, including:
- 9.16.1. Improved village approach roads and junctions to the A179, A689 and A19;
 - 9.16.2. Alleviating the impact on the villages of the increase in traffic arising from new development in Hartlepool; and
 - 9.16.3. Appropriate measures to discourage traffic related to any new development on the edge of Hartlepool from using minor roads through the villages in the Neighbourhood Plan.

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- 9.17. Policy H5 (Housing Development on the Edge of Hartlepool) requires new housing development to address any significant impacts arising from an increase in traffic on the road network between Hartlepool and the A19 as a result of new development. This should include mitigation measures identified by Transport Assessments which may include improvements to the junctions from the villages to the A19, A179 and A689 as well as measures to discourage traffic from the new development using minor roads through the village in the plan area.

Highways England Strategic and Delivery Plans 2020-2025

- 9.18. The plans comprise the Strategic Business Plan and the 50 Year Delivery Plan. The Strategic Business Plan looks to align with the Government's second Road Investment Strategy (RIS2) in which the Government set out to secure a safer more reliable strategic road network. The Strategic Business Plan states that safety remains their first imperative, to ensure that roads are safe, dependable and durable.
- 9.19. The Delivery Plan sets out several enhancement schemes that are either already under construction or planned along the A19 between Middlesbrough and Newcastle Upon Tyne. The Scheme is not referenced in the Delivery Plan but the Strategic Business Plan includes a commitment to actively work with government, customers, stakeholder and partners to plan for the longer term.

Northern Powerhouse: One Agenda; One Economy; One North

- 9.20. The Northern Powerhouse: One Agenda; One Economy; One North report provides a focus on connection the cities of the north of England and the transport systems underpinning the concept of the Northern Powerhouse. Specifically, the report states:

“Journeys should become quicker, more reliable, and with proper alternative routes if things don’t go to plan. All of which will drive economic growth in the North, making it a more attractive place to live and work.

There are areas of very high congestion on the road network, with high demand for freight from the Northern ports. Congestion on the strategic road network is worst where it is also heavily used by local commuter traffic, such as the M60 in Greater Manchester, the M62 in the Liverpool City Region and in West Yorkshire, M1 around Sheffield and the A1 and A19 in the North East and Tees Valley.

Commit to work jointly to agree the future priorities to tackle congestion and improve connectivity over and above this Plan with the shared aim to address remaining strategic bottlenecks that will otherwise constrain growth. The specific options will need to be the subject of further analysis, but could for example include action to tackle well known congestion problems.”

Northern Powerhouse Independent Economic Review

- 9.21. The Northern Powerhouse Independent Economic Review further states in high level terms:

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“Because the North is fragmented by poor transport links between key settlements, the economy as a whole is failing to gain the agglomeration effects which would help grow its productivity. Better transport connectivity can help to promote a higher employment rate, by improving access to centres of employment, and it can help to promote higher productivity, by improving the attractiveness of an area for investment, improving access to markets, increasing the pool of workers available to work in higher productivity urban locations, and increasing the effective scale of cities and the associated benefits of agglomeration.

Accordingly, targeted investment in new road infrastructure will be warranted to enhance the reliability and resilience of road travel, reduce journey times and improve the connections offered by the North’s road networks.”

Transport for the North (TfN) Strategic Transport Plan

- 9.22. TfN's Strategic Transport Plan identifies strengthening road connectivity between the Yorkshire to Scotland corridor as being a key priority. The plan identifies the importance of the emerging growth in the health sector within Tees Valley area and cites the potential for future major long term investment at Hartlepool nuclear power station and the importance of Dogger Bank wind farm. The plan states that the major North-South routes of the A1 and A19 must provide a consistent level of service and resilience to meet the needs to the important economic centres they link and the strategic journeys they facilitate, improved transport connectivity between the cities and surrounding economic centres, such as along the A19 will increase productivity and support the growth of complementary industrial capabilities.

Tees Valley Combined Authority (TVCA) Strategic Transport Plan

- 9.23. The Tees Valley Combined Authority Strategic Transport Plan sets out that the TVCA's vision for transport in the Tees Valley is *“to provide a high quality, quick, affordable, reliable, low carbon and safe transport network for people and freight to move within, to and from Tees Valley”*. The plan identifies the A19, grade separated junction, Elwick bypass and Hartlepool Western link as one of the “significant schemes” within the TVCA's Key Route Network (KRN). The KRN is the network of roads that the TVCA see as being the most vital to the future growth aspirations in the area from both an economic and social perspective, and will form the basis for developing a long-term programme of transport improvements.
- 9.24. The Tees Valley Road Implementation Plan, being one of the implementation plans supporting the strategic transport plan. Identified the Scheme as one of the live schemes within the KRN programme and states:

“This scheme will provide a new strategic route for road traffic to/from Hartlepool to the A19, thereby relieving congestion on the existing A179 and A689 routes and by creating a new grade separated junction with the A19, overcome safety concerns with regards to the existing at-grade junctions. The scheme will provide direct benefits to the residents of Elwick village through significantly reducing through traffic, helping to make it a safer environment, and it will also facilitate housing development in West Hartlepool. A Strategic

APPENDIX 1

Outline Business Case was prepared in Summer 2016 and detailed design is now underway.”

10. PLANNING POSITION

- 10.1. A planning application for the Scheme ref [] has been submitted to the Council.
- 10.2. In addition the planning position in relation to housing development is contextually relevant.
- 10.3. There are four sites specifically identified in the Local Plan as being required to make financial contributions in respect of the Scheme:
 - HSG5a – Quarry Farm 2 (H/2015/0528)
 - HSG5 – High Tunstall (H/2014/0428)
 - HSG7 – Potters Farm / North Farm, Elwick
 - HSG3(3) - Briarfields
- 10.4. In conjunction with the Local Plan process, planning applications were submitted in respect of High Tunstall (H/2014/0428) and Quarry Farm 2 (H/2015/0528).
- 10.5. Quarry Farm 2 was an outline application for up to 220 dwellings (H/2015/0528). An existing development at Quarry Farm in respect of an outline application for 81 dwellings had previously been consented on appeal on 18 February 2015 (H/2014/0215). Planning permission at Quarry Farm 2 was granted on 12 October 2018 with a condition 3 requiring a scheme to be submitted, approved in writing by the Council (in consultation with Highways England) prior to occupation of any dwellings, in respect of central reserve gap closures on the A19 at Elwick Road, North Road and at Dalton Piercy junctions. Such closure works preventing right-hand turn manoeuvres were required to be completed prior to occupation of any dwellings. Those central reserve closures have now been effected.
- 10.6. In addition the development has been required to pay a pro-rata contribution towards the grade separated junction and the Elwick By-pass to make the development acceptable in planning terms. A contribution of £12,000 per dwelling (totalling £2,640,000) towards the cost of the Scheme has therefore been secured through a s106 agreement.
- 10.7. At High Tunstall an outline application for 1200 dwellings and permission was granted on 14 March 2019. As with the Quarry Farm 2 development a condition tying the development to central reserve closure was imposed and the development was also required to pay a pro-rata contribution towards the Scheme. A further condition (condition 8) was imposed stating that that prior to the occupation of the 209th dwelling, the Elwick bypass and the grade separated junction on the A19 would be fully open to traffic to the satisfaction of the Council, Durham County Council and Highways England. A contribution of £14,400,000 towards the costs of the grade separated junction and Elwick bypass has been secured through a s106 agreement.

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10.8. There are currently no extant planning permissions for HSG7 and HSG3(3) nor any applications awaiting determination. [TBC at date of submission]

11. **IMPLEMENTATION AND FUNDING**

11.1. The necessary resources are, or will be, available to achieve delivery of the Scheme within a reasonable timescale, including land acquisition, compensation costs and any blight liability.

11.2. The costs of the Scheme will be met from:

11.2.1. Contributions from housing developments and that have been secured as planning obligations through s106 legal agreements attached to planning approvals for housing.

11.2.2. Capital grant funding of £4,172,500 from TVCA. Such grant initially provides £1.16m of funds for project development and allows for full draw down of the grant subject to completion of all stages of the Business Case and approval process which will ultimately be contingent on a successful outcome to all relevant statutory procedures.

11.2.3. A further £4,172,500 has also sought from Homes England, although the TVCA has confirmed that in the event funding from Homes England is not secured they will provide these additional monies.

11.2.4. The Council has also resolved to use its ability to access prudential borrowing to fund the gap between outturn Scheme costs and available funding and in any case to underwrite all the costs associated with acquiring land should these exceed the available grant.

11.3. The Local Plan requires financial contributions towards the Scheme from the following allocated sites

- HSG5a – Quarry Farm 2 (H/2015/0528)
- HSG5 – High Tunstall (H/2014/0428)
- HSG7 – Elwick
- HSG3(3) - Briarfields

11.4. Details of the planning position and contributions in respect of the above sites are set out at section 8 above.

11.5. In terms of the funding available for implementation of the Scheme the position as at the date of this Statement is set out below. [TBC and updated as appropriate]

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| Strategic site and policy | Local Plan requirement | LP delivery timeframe | Progress |
|----------------------------------|---|------------------------------|---|
| High Tunstall HSG5 & INF2. | £14,400,000.00 £12,000 per dwelling. | Short/medium/long. | H/2014/0428 approved and contribution secured. |
| Quarry Farm (2) HSG5a & INF2. | £2,640,000.00 £12,000 per dwelling. | Short/medium. | H/2015/0528 approved and contribution secured. No contribution received in this year or the previous reporting year. |
| Elwick Village HSG7 & INF2 | £12,000 per dwelling. | Medium/long. | Allocated but no application. |
| Briarfields HSG3 (3) & INF2. | £12,000 per dwelling. | Medium/long. | Allocated but no application. |
| Windfall Sites. INF2. | £12,000 per property. | Various. | Site by site basis. |

- 11.6. Funding for the Scheme has therefore been adequately secured through a number of sources and in the immediate term the Council is able to use its prudential borrowing powers to ensure that any delay in receipt of the developers' contributions does not inhibit the Scheme coming forward. It is not therefore considered that funding will cause any impediment to the Scheme being delivered.

12. **SPECIAL CONSIDERATIONS**

- 12.1. There are no areas warranting special consideration within the extent of the Scheme. However the below considerations in the vicinity of the Scheme should be noted.
- 12.2. The Elwick Conservation Area encompasses the village centre and includes Elwick Hall and St Peter's Church. A plan identifying the extent of the Conservation Area is attached as an appendix.
- 12.3. There are no listed buildings falling within land required for the Scheme. Listed buildings in the vicinity of the Scheme include The Forge, Church of St Peter, Wilton Cottage, Elwick Windmill and Elwick Hall respectively. It is considered that they are unlikely to be affected by the Scheme.
- 12.4. There is one Scheduled Monument (list number 1016353) located approximately 30m to the east of the south-western arm of the Scheme parallel to the A19 and directly to the east of the village of Elwick. The Scheduled Monument comprises a fishpond, two enclosures and a section of medieval open field system. It is considered to have been used for fishing and wildfowl management in connection with the former medieval Elwick Hall. Also within the Scheduled area is a pillbox dating to World War II.

APPENDIX 1**13. VIEW OF GOVERNMENT DEPARTMENTS**

- 13.1. No views have been expressed by a Government Department.

14. HUMAN RIGHTS

- 14.1. The European Convention on Human Rights ("ECHR") was incorporated into domestic law in England and Wales by the Human Rights Act 1998 ("the 1998 Act"). The 1998 Act prevents public authorities from acting in a way which is incompatible with rights protected by the 1998 Act.
- 14.2. Of particular relevance to the compulsory purchase process are Article 8 of the Convention regarding respect for privacy and family life and Article 1 of the First Protocol which concerns the protection of property. In addition Article 14 protects the right to enjoy rights and freedoms free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion or national or social origin.
- 14.3. In addition the CPO Circular advises that "a compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should therefore be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regards should be had, in particular, to the provisions of Article 1 of the First Protocol to the ECHR, and in the case of a dwelling, Article 8 thereof.
- 14.4. Such rights are qualified rights and may therefore be overridden where it is considered that the interference with these rights are proportionate and that the interference is necessary in the interests of, amongst other things, national economic well-being.
- 14.5. The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that "*regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole*", and both public and private interests have been taken into account in the exercise of the authority's powers and duties as a local authority.
- 14.6. It is acknowledged that the CPO, if confirmed, will result in the taking of property. However, this will be in accordance with a statutory process which was held to be compliant with Article 6 of the Convention which provides that "*everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law*". Compensation will be payable in accordance with law including compensation for property on the basis of the market value of the interest acquired, together with disturbance, statutory loss payment and where appropriate home loss payments.
- 14.7. The CPO process undertaken by the Council has taken into account the social, economic and environmental well-being of the locality. The process already allows for the payment of compensation to those where properties and other private rights are affected by the acquisition of land under the CPO process.
- 14.8. Moreover, in pursuing this CPO (and associated Orders), the Council has carefully considered the balance to be struck between individual rights and the wider public

APPENDIX 1

interest. In this instance it is considered that the Orders are required in the public interest and are consistent with the ECHR and the 1998 Act in that the public purpose of securing the site for the redevelopment described herein and concomitant economic, social and environmental benefits are of sufficient weight to override the interference with human rights that the CPO necessarily involves; and that compulsory acquisition is necessary to achieve that purpose. It is also considered that the Order is proportionate having regard to the alternative means of securing the objectives to be delivered by the Scheme.

15. EQUALITIES IMPACT ASSESSMENT

- 15.1. In preparing the HBC Orders and in determining to make the CPO, the SRO and the A19 SRO, the Council has had regard to its statutory duties and obligations under the Equality Act 2010 including its obligations under sections 149 and 150 thereof and has taken into account the differential impact the HBC Orders and the A19 SRO may have on groups of persons with different characteristics.

16. ENQUIRIES

- 16.1. In respect of land acquisition please contact:

Tim Wynn BSc(Hons)MRICS

Strategic Asset Manager

Hartlepool Borough Council

tim.wynn@hartlepool.gov.uk

Tel 01429 523386

- 16.2. In respect of the CPO and SRO process please contact:

Scott Parkes BEng (Hons)

Consultancy Manager Hartlepool Borough Council

Scott.Parkes@hartlepool.gov.uk

Tel: 01429 523207

17. LIST OF DOCUMENTS IN EVENT OF INQUIRY

- 17.1. [To be inserted]

18. LIST OF PLANS IN EVENT OF INQUIRY

- 18.1. Appendix A - S6 Agreement (for the purposes of reporting to Finance and Policy Committee this S6 agreements can be viewed as appendix 6 of the main report).
- 18.2. Appendix B - Plan of A19 (for the purposes of reporting to Finance and Policy Committee this plan can be viewed in the Committee presentation).

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- 18.3. Appendix C - existing highway layout (for the purposes of reporting to Finance and Policy Committee this plan can be viewed in the Committee presentation).
- 18.4. Appendix D – proposed scheme layout (for the purposes of reporting to Finance and Policy Committee this plan can be viewed in the Committee presentation).
- 18.5. Appendix E - copy of the SRO Plan and the A19 SRO (for the purposes of reporting to Finance and Policy Committee this plan can be viewed as appendix 5 of the main report).

DRAFT

APPENDIX 2

DRAFT 6 MARCH 2023

THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023

THE HIGHWAYS ACT 1980

AND

THE ACQUISITION OF LAND ACT 1981

Hartlepool Borough Council (in this Order called "the Acquiring Authority") makes the following order:

1. Subject to the provisions of this order the Acquiring Authority are, under Sections 6, 239, 240, 246, 249, 250 and 260 of the Highways Act, hereby authorised to acquire compulsorily for the purposes of:
 - (1) the construction of a highway, including a bridge over the A19, which is to be maintainable at the public expense between the A19 and Elwick Road, north of the village of Elwick and to the west of the Hartlepool conurbation in the Borough of Hartlepool;
 - (2) the construction of highways to connect the above mentioned highway with the existing road system in the vicinity of the A19 and village of Elwick in the Borough of Hartlepool, including roundabouts connecting with North Lane and Elwick Road respectively;
 - (3) the improvement of existing highways in the vicinity of the route of the above mentioned highways including North Lane, Elwick Road and Coal Lane in pursuance of the Hartlepool Borough Council (A19/Elwick Road/North Lane junction and Elwick Northern Bypass/Hartlepool Western Link) (Classified Roads) (Side Roads) Order 2023 and the Hartlepool Borough Council (A19/Elwick Road/North Lane junction and Elwick Northern Bypass/Hartlepool Western Link) (Side Roads) Order 2023 (hereinafter "the Side Roads Orders") ;
 - (4) the provision of new means of access to premises in pursuance of the Side Roads Orders;
 - (5) the diversion of a watercourse and the carrying out of works on watercourses in connection with the construction and improvement of highways and the provision of new means of access to highways;

APPENDIX 2

- (6) use by the Acquiring Authority in connection with the construction and improvement of highways, the diversion of a watercourse and the provision of new means of access to premises as aforesaid;
- (7) mitigating the adverse effect which the existence or use of the highway proposed to be constructed or improved as mentioned in articles (1), (2) and (3) of this Order
- (8) the carrying out of drainage works in connection with the construction of highways;

the land which is described in the Schedule hereto and delineated and shown coloured pink on the map hereinafter mentioned and the new rights which are specified in the said Schedule over the land which is described therein and is delineated and shown coloured blue on the said map.

The map aforesaid is a map consisting of [x] sheets numbered [] to [] respectively, prepared in duplicate, sealed with the Common Seal of the Acquiring Authority and marked "Map referred to in the Hartlepool Borough Council (A19/Elwick Road/North Lane Junction and Elwick Northern Bypass/Hartlepool Western Link) Compulsory Purchase Order 2023".

One duplicate of the map is deposited in the offices of the Acquiring Authority and the other is deposited in the offices of the Secretary of State for Transport.

- 2. Parts II and III of Schedule 2 to the Acquisition of Land Act 1981 are hereby incorporated with this Order subject to the modification that references in the said Parts II and III to the undertaking shall be construed as references to the highway to be constructed on the land to be purchased.

**THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK
NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023**

Table 1

| Number on map (1) | Extent, description and situation of the land (2) | Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3) | | | |
|-------------------|--|---|----------------------------|---|-----------|
| | | Owners or reputed owners | Lessees or reputed lessees | Tenants or reputed tenants (other than lessees) | Occupiers |
| 1 | [CE146944] [] square metres. Arable land forming part of Middleton House Farm, Elwick, all to the west of the A19. | Roy Alexander Blyth, Jean Blyth, Neil Alexander Blyth and Alison Mayes of Middleton House Farm, Elwick, Hartlepool, TS27 3EN (<i>excluding mines and minerals</i>) Unknown (<i>in respect of mines and minerals</i>) | | | Owner |
| 2 | [CE170754] [] square metres. Arable land forming part of High Barns Farm, Elwick, all to the west of the A19. | Carolyn Jane Tilly of Hartbushes Hall, Station Town, Wingate, TS28 5NG | | | Owner |
| 3 | [CE146944] A right of access with or without vehicles, plant and machinery together with a right to construct a new private means of access [| Roy Alexander Blyth, Jean Blyth, Neil Alexander Blyth and Alison Mayes of Middleton House Farm, Elwick, Hartlepool , | | | Owner |

**THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK
NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023**

| Number on map (1) | Extent, description and situation of the land (2) | Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3) | | | |
|----------------------|---|--|-------------------------------|---|---|
| | | Owners or reputed owners | Lessees or reputed lessees | Tenants or reputed tenants (other than lessees) | Occupiers |
| | insert orientation, width and length] over [X] square metres of arable land] forming part of Middleton House Farm, Elwick, all to the west of the A19 | TS27 3EN (<i>excluding mines and minerals</i>) Unknown (<i>in respect of mines and minerals</i>) | | | |
| 4 | [CE41831] [X] square metres. Arable land forming part of Martindale Farm, Elwick, to the east of the A19 and to the north of Elwick Village. | Gordon Cracknell of Martindale Farm, Elwick, Hartlepool TS27 3DT Unknown (<i>in respect of mines and minerals</i>) | | | Owner |
| 5 | [X] square metres. Highway land comprising part of North Lane, Elwick | Unknown | | | Hartlepool Borough Council of Civic Centre, Victoria Road, Hartlepool, TS24 8AY (<i>as Local Highway Authority</i>) |
| 6 | [CE219676] | Margaret Wreford Howell of Sheraton | | | Owner |

**THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK
NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023**

| Number on map (1) | Extent, description and situation of the land (2) | Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3) | | | |
|----------------------|--|---|-------------------------------|---|---|
| | | Owners or reputed owners | Lessees or reputed lessees | Tenants or reputed tenants (other than lessees) | Occupiers |
| | [X] square metres comprising a grassed area of land between the A19 to the west and North Lane to the east, The Parks, Elwick. | Farm, Sheraton, Hartlepool, TS27 4RB. <i>Unknown (in respect of mines and minerals)</i> | | | |
| 7 | All rights and interests in [X] square metres of land comprised in highway on North Lane with the exception of those rights and interests owned by Hartlepool Borough Council. | <i>Unknown (in respect of mines and minerals)</i> | | | Hartlepool Borough Council of Civic Centre, Victoria Road, Hartlepool, TS24 8AY (as <i>Local Highway Authority</i>) |
| 8 | [x] square metres of arable land to the east of the A19 and to the north of Elwick Village and comprising a strip of land between plots 4 and 10 Note: this strip of land has been omitted from Gordon Cracknell's title (see plots 4 and 10), possibly by Land Registry error | Unknown | | | Gordon Cracknell of Martindale Farm, Elwick, Hartlepool TS27 3DT |

**THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK
NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023**

| Number on map (1) | Extent, description and situation of the land (2) | Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3) | | | |
|----------------------|---|---|-------------------------------|---|-----------|
| | | Owners or reputed owners | Lessees or reputed lessees | Tenants or reputed tenants (other than lessees) | Occupiers |
| 9 | [CE174382] [] square metres. Arable land forming part of Village Farm, Elwick, all to the east of the A19. | Anne Caroline Linton of 8 Durham Road, Wolviston, Stockton-on- Tees TS22 and Timothy Charles Linton of 5 Mill Lane, Wolviston, Stockton-on- Tees TS22 5LH <i>Unknown (in respect of mines and minerals)</i> | | | Owner |
| 10 | [CE144195] [] square metres. Arable land forming part of Martindale Farm, Elwick, to the east of the A19 and to the north of Elwick Village. | Gordon Cracknell of Martindale Farm, Elwick, Hartlepool TS27 3DT | | | Owner |
| 11 | [CE144195] [] square metres. Arable land forming part of Martindale Farm, Elwick, | Gordon Cracknell of Martindale Farm, Elwick, Hartlepool TS27 3DT | | | Owner |

**THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK
NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023**

| Number on map (1) | Extent, description and situation of the land (2) | Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3) | | | |
|----------------------|---|---|-------------------------------|---|---|
| | | Owners or reputed owners | Lessees or reputed lessees | Tenants or reputed tenants (other than lessees) | Occupiers |
| | to the east of the A19 and to the north of Elwick Village. | | | | |
| 12 | [CE154388] [] square metres. Arable land forming part of Potters Farm, Elwick, to the east of the A19 and to the north of Elwick Village. | Bryan Ernest Claughan of 9 The Green, Elwick, Hartlepool, TS27 3ED | | | Owner Energis Communications Limited of Vodafone House, The Connection, Newbury, Berkshire, RG14 2FN National Grid Electricity Transmission Plc of 1 - 3 Strand, London, WC2N 5EH |
| 13 | [CE176982] | Margaret Beatrice Iveson of High Force Farm, Raydaleside, Askrigg, Leyburn, North | | | Owner [National Grid] |

**THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK
NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023**

| Number on map (1) | Extent, description and situation of the land (2) | Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3) | | | |
|----------------------|---|--|-------------------------------|---|---|
| | | Owners or reputed owners | Lessees or reputed lessees | Tenants or reputed tenants (other than lessees) | Occupiers |
| | [] square metres. Arable land forming part of North Farm, Elwick, to the east of the A19 and north east of Elwick Village. | Yorkshire DL8 3DL and Joan Marjery Hansen of Jersey Cottage, Elwick, Hartlepool TS27 3ED and Sandra Yvonne Leonard of Naisberry Farm Cottage, Elwick, Hartlepool, TS27 3EA and George Bell of Millstone House, Elwick, Hartlepool TS27 3ED | | | |
| 14 | All rights and interests in [X] square metres of land comprised in highway on Elwick Road with the exception of those rights and interests owned by Hartlepool Borough Council. | Unknown (<i>in respect of mines and minerals</i>) | | | Hartlepool Borough Council of Civic Centre, Victoria Road, Hartlepool, TS24 8AY (<i>as Local Highway Authority</i>) |
| 15 | [x] square metres of land comprised in highway and grassed verge adjacent thereto | Unknown | | | Hartlepool Borough Council of Civic Centre, Victoria Road, Hartlepool, TS24 8AY (<i>as</i>) |

**THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK
NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023**

| Number on map (1) | Extent, description and situation of the land (2) | Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address (3) | | | |
|----------------------|--|---|-------------------------------|---|--|
| | | Owners or reputed owners | Lessees or reputed lessees | Tenants or reputed tenants (other than lessees) | Occupiers |
| | | | | | <i>Local Highway Authority)</i> [National Grid] |

**THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK
NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023**

Table 2

| Number on map (4) | Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5) | | Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6) | |
|--------------------------|--|---|---|--|
| | Name and Address | Description of interest to be acquired | Name and Address | Description of the land for which the person in adjoining column is likely to make a claim |
| 1 | <p>HSBC UK Bank Plc of 1 Centenary Square, Birmingham, United Kingdom, B1 1HQ</p> <p>HSBC Bank Plc of 8 Canada Square, London, E14 5HQ</p> | <p>Registered Charge dated 19 September 2011.</p> <p>Registered Charge dated 19 September 2011.</p> | <p>Northern Gas Networks Limited of 1100 Century Way, Thorpe Park Business Park, Colton Leeds, LS15 8TU</p> | <p>Restrictive covenants and rights granted in relation to a pipeline for the transmission and storage of gas together with rights of access over Plot 1 pursuant to a Deed of Grant dated 24 January 2006.</p> |
| 2 | | | <p>Northern Electric Plc of Lloyds Court, 78 Grey Street, Newcastle Upon Tyne, NE1 6AF</p> | <p>Restrictive covenants and rights granted in relation to electric lines, poles and associated apparatus together with rights of access and tree/bush felling and/or removal pursuant to a Deed of Grant dated 4 April 1996</p> |
| 3 | <p>HSBC UK Bank Plc of 1 Centenary Square,</p> | <p>Registered Charge dated 19 September 2011.</p> | <p>Northern Gas Networks Limited of 1100 Century Way, Thorpe Park</p> | <p>Restrictive covenants and rights granted in relation to a pipeline for the transmission and storage of gas together with rights of access over Plot</p> |

**THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK
NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023**

| Number on map (4) | Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5) | | Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6) | |
|-------------------|---|---|--|--|
| | Name and Address | Description of interest to be acquired | Name and Address | Description of the land for which the person in adjoining column is likely to make a claim |
| | <p>Birmingham, United Kingdom, B1 1HQ</p> <p>HSBC Bank Plc of 8 Canada Square, London, E14 5HQ</p> | <p>Registered Charge dated 19 September 2011.</p> | <p>Business Park, Colton Leeds, LS15 8TU</p> | <p>1 pursuant to a Deed of Grant dated 24 January 2006.</p> |
| 4 | <p>The Agricultural Mortgage Corporation Plc of Keens House, Anton Mill Road, Andover, Hampshire, United Kingdom, SP10 2NQ</p> <p>The Agricultural Mortgage Corporation Plc of Keens House, Anton Mill Road, Andover, Hampshire, United Kingdom, SP10 2NQ</p> | <p>Registered Charge dated 1 December 2006.</p> <p>Registered Charge dated 30 May 2014.</p> | | |

**THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK
NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023**

| Number on map (4) | Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5) | | Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6) | |
|-------------------|---|---|--|--|
| | Name and Address | Description of interest to be acquired | Name and Address | Description of the land for which the person in adjoining column is likely to make a claim |
| 10 | <p>The Agricultural Mortgage Corporation Plc of Keens House, Anton Mill Road, Andover, Hampshire, United Kingdom, SP10 2NQ</p> <p>The Agricultural Mortgage Corporation Plc of Keens House, Anton Mill Road, Andover, Hampshire, United Kingdom, SP10 2NQ</p> | <p>Registered Charge dated 1 December 2006.</p> <p>Registered Charge dated 30 May 2014.</p> | <p>Unknown</p> <p>Unknown</p> <p>Northern Electric Plc of Lloyds Court, 78 Grey Street, Newcastle Upon Tyne, NE1 6AF</p> | <p>Plot 10 is subject to rights granted by a conveyance of adjoining land dated 16 November 1969, including rights of access, drainage and to lay a water pipe.</p> <p>Plot 10 is subject to rights of drainage and services reserved by a conveyance dated 22 June 1972.</p> <p>Restrictive covenants and rights granted in relation to overhead electric lines, poles and associated apparatus together with rights of access and tree/bush felling and/or removal pursuant to a Deed of Grant dated 13 March 1998</p> |

**THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK
NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023**

| Number on map (4) | Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5) | | Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6) | |
|-------------------|---|---|--|--|
| | Name and Address | Description of interest to be acquired | Name and Address | Description of the land for which the person in adjoining column is likely to make a claim |
| 11 | <p>The Agricultural Mortgage Corporation Plc of Keens House, Anton Mill Road, Andover, Hampshire, United Kingdom, SP10 2NQ</p> <p>The Agricultural Mortgage Corporation Plc of Keens House, Anton Mill Road, Andover, Hampshire, United Kingdom, SP10 2NQ</p> | <p>Registered Charge dated 1 December 2006.</p> <p>Registered Charge dated 30 May 2014.</p> | <p>Unknown</p> <p>Unknown</p> <p>Northern Electric Plc of Lloyds Court, 78 Grey Street, Newcastle Upon Tyne, NE1 6AF</p> | <p>Plot 11 is subject to rights granted by a conveyance of adjoining land dated 16 November 1969, including rights of access, drainage and to lay a water pipe.</p> <p>Plot 11 is subject to rights of drainage and services reserved by a conveyance dated 22 June 1972.</p> <p>Restrictive covenants and rights granted in relation to overhead electric lines, poles and associated apparatus together with rights of access and tree/bush felling and/or removal pursuant to a Deed of Grant dated 13 March 1998</p> |
| 12 | | | Energis Communications Limited of Vodafone House, | Restrictive covenants and rights granted in relation to the installation. Maintenance and use of telecommunications apparatus |

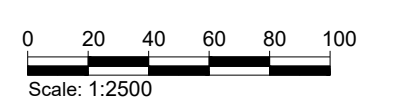
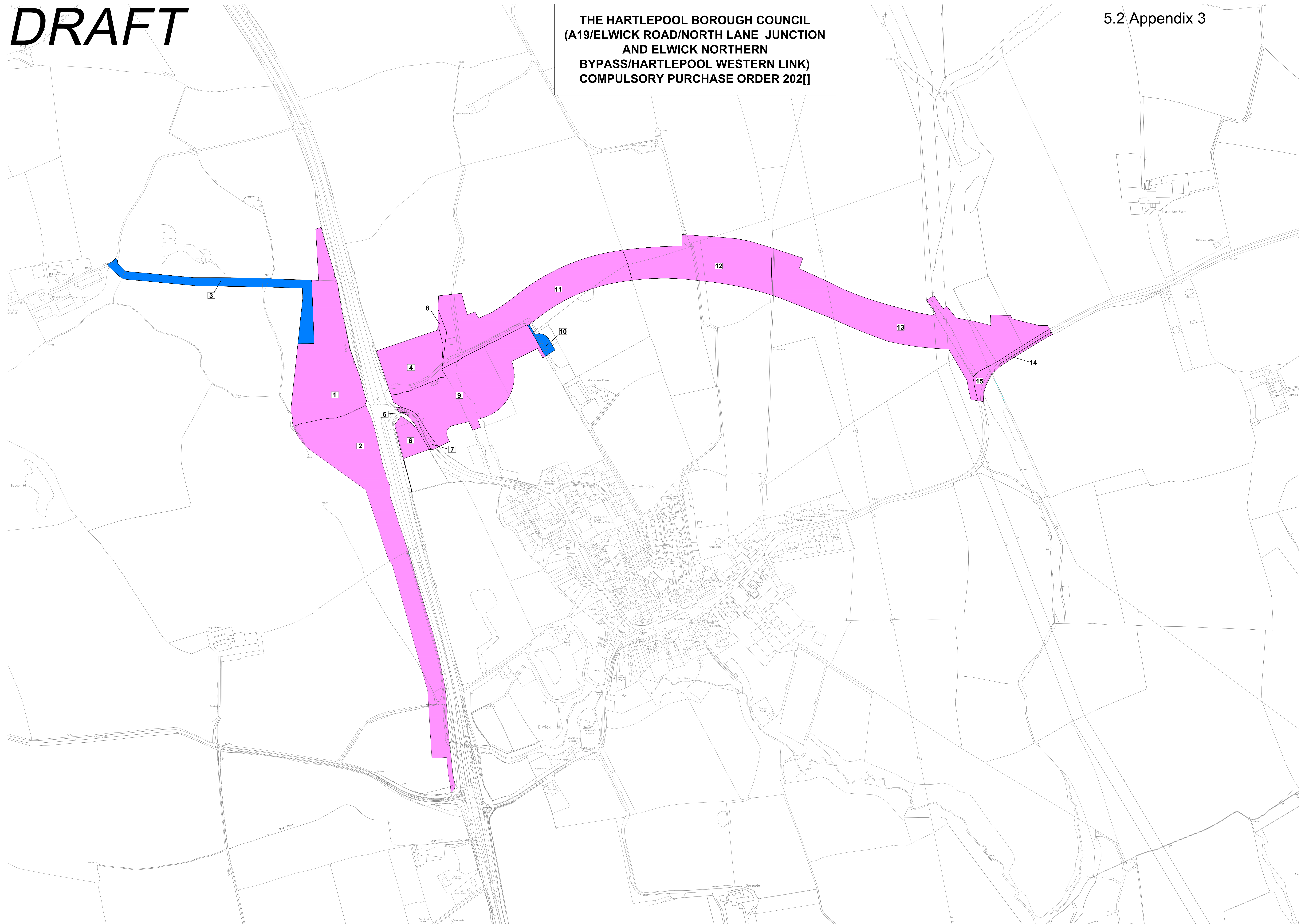
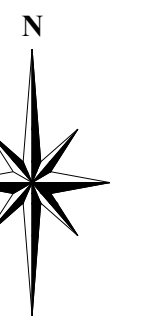
**THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK
NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023**

| Number on map (4) | Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5) | | Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6) | |
|-------------------|--|--|---|--|
| | Name and Address | Description of interest to be acquired | Name and Address | Description of the land for which the person in adjoining column is likely to make a claim |
| | | | <p>The Connection, Newbury, Berkshire, RG14 2FN</p> <p>National Grid Electricity Transmission Plc of 1 - 3 Strand, London, WC2N 5EH</p> | <p>together with rights of access over Plot 12 pursuant to a Deed of Easement dated 9 April 1999.</p> <p>Restrictive covenants and rights granted in relation to the erection, maintenance and use of overhead electric lines, conductors and tower together with rights of access and tree/bush felling over Plot 12 pursuant to a Deed of Grant dated 4 June 2019.</p> |
| 13 | | | <p>Unknown</p> <p>Joan Marjorie Hansen and Edward Hansen of</p> | <p>Plot 13 is subject to an easement of drainage rights for the benefit of Carlton, Elwick granted by a conveyance of other land dated 11 November 1969.</p> <p>Plot 13 is subject to easements and covenants in respect of drainage, together with rights of access for repair</p> |

**THE HARTLEPOOL BOROUGH COUNCIL (A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK
NORTHERN BYPASS/HARTLEPOOL WESTERN LINK) COMPULSORY PURCHASE ORDER 2023**

| Number on map (4) | Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5) | | Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6) | |
|-------------------|--|--|--|--|
| | Name and Address | Description of interest to be acquired | Name and Address | Description of the land for which the person in adjoining column is likely to make a claim |
| | | | <p>Jersey Cottage, The Green, Elwick, Hartlepool TS27 3ED.</p> <p>James Andrew Leonard and Hazel Leonard of Canterbury House, The Green, Elwick, Hartlepool, TS27 3ED.</p> <p>George Bell of Millstone House, The Green, Elwick, Hartlepool, TS27 3ED.</p> | <p>and maintenance pursuant to a Deed dated 12 May 2010.</p> |

5.2 Appendix 3



APPENDIX 4

DRAFT 6 MARCH 2023

HIGHWAYS ACT 1980

THE HARTLEPOOL BOROUGH COUNCIL

**(A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK NORTHERN
BYPASS/HARTLEPOOL WESTERN LINK)(SIDE ROADS) ORDER 2023**

The Hartlepool Borough Council ("the Council") on behalf of National Highways under delegated powers pursuant to section 6 of the Highways Act 1980 make this Order in exercise of powers conferred by sections 14 and 125 of the Highways Act 1980 and all other powers enabling them in that behalf:

1.

- (1) The Council is authorised in relation to that length of the A19 road to carry out the following works at or in the vicinity of the A19 Trunk Road and the classified roads known as North Lane, Church Bank, and Coal Lane in the Parish of Elwick, Hartlepool:
 - (a) improve the lengths of the Trunk Road named in the Schedules and shown on the corresponding Site Plan by cross hatching;
 - (b) stop up each length of the Trunk Road described in the Schedules and shown on the corresponding Site Plan by zebra hatching; and
 - (c) stop up each private means of access to premises described in the Schedules and shown on the corresponding Site Plan by a solid black band;
- (2) Each Site Plan shows the works indicated in the respective Schedule and has the same number as that Schedule, and the route of the Trunk Road is shown in relation to the works shown on each Site Plan.

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

3. In this Order:

- (1) Distances are measured along the route of the relevant highway or private means of access to premises, as the case may be;
- (2) A reference to a Schedule or Site Plan number is a reference to the Schedule or Site Plan so numbered;

APPENDIX 4

(3)

- (a) "the Council" - means Hartlepool Borough Council
- (b) "existing access" means a private means of access to premises authorised by this Order to be stopped up
- (c) "improvement" - in relation to a highway includes raising, lowering or otherwise altering that highway, and "improved" shall be construed accordingly;
- (d) "schedule" - means a Schedule to this Order, and "Schedules" shall be construed accordingly;
- (e) "Site Plan" - a duplicate has also been deposited at the offices of the Secretary of State for Transport.
- (f) "Trunk Road" means the A19 trunk road

4. This Order shall become operative on the date on which notice that is has been confirmed by the Minister is first published in accordance with paragraphs 1 and 4 of Schedule 2 to the Highways Act 1980.
5. This Order may be cited as the (A19/Elwick Road/North Lane Junction And Elwick Northern Bypass/Hartlepool Western Link)(Side Roads) Order 2023.

SCHEDULE 1**A19/Elwick Road/North Lane Junction
and Elwick Northern Bypass/Hartlepool
Western Link**

Sheet 1 of 2

Highway to be Improved

Trunk Road on the northbound direction at a point [] metres north / north west of Coal Lane in a north-westerly direction for a distance of [] metres – a []m section of Trunk Road to be improved upgrading the access off and onto the A19 from the new Elwick Northern Bypass / Hartlepool Western Link road (marked [] on Sheet 1).

Trunk Road on the southbound direction at a point [] metres north north west of North Lane in a south-easterly direction for a distance of [] metres – a []m section of Trunk Road to be improved upgrading the access off and onto the A19 from the new Elwick Northern Bypass / Hartlepool Western Link road (marked [] on Sheet 1).

| <u>Highway to be Stopped Up</u> | <u>Reference Letter of New Highways</u> |
|--|--|
| Trunk Road from a point [] metres north north west of its junction with North Lane in an westerly direction for a distance of [] metres (marked [] on Sheet 1) | [] |
| Central reservation gap on the Trunk Road from a point [] metres north north west of its junction with North Lane in an westerly direction for a distance of [] metres (marked [] on Sheet 1) | |

| <u>Private Means of Access to be Stopped Up</u> | <u>Reference Letter of New Accesses</u> |
|---|--|
| A section of the access track from the northbound A19 highway to Middleton House Farm, for [] metres westwards from its junction with the A19 (marked [] on Sheet 1). | [] |
| Access track from the south bound A19 highway to Martindale Farm, a distance of [] metres (marked [] on Sheet 1). | [] |

SCHEDULE 2**A19/Elwick Road/North Lane Junction
and Elwick Northern Bypass/Hartlepool
Western Link**

Sheet 2 of 2

Highway to be Improved

Trunk Road on the northbound direction at Coal Lane Junction in a north-westerly direction for a distance of [] metres – a []m section of Trunk Road to be improved following the closure of the access off and onto the A19 from Coal Lane (marked [] on Sheet 2).

Trunk Road on the southbound direction Church Bank junction in a south easterly direction for a distance of [] metres – a []m section of Trunk Road to be improved following the closure of the access off and onto the A19 from Church Bank (marked [] on Sheet 2).

| <u>Highways to be Stopped Up</u> | <u>Reference Letters of New Highways</u> |
|---|---|
| Central reservation gap on the Trunk Road from a point [] metres east of its junction with Coal Lane in an easterly direction for a distance of [] metres (marked [] on Sheet 2) | [] |
| Trunk Road on the northbound direction at Coal Lane Junction in a north-westerly direction for a distance of [] metres (marked [] on Sheet 2) | [] |
| Trunk Road on the southbound direction Church Bank junction in a south easterly direction for a distance of [] metres (marked [] on Sheet 2) | [] |

| <u>Private Means of Access to be Stopped Up</u> | <u>Reference Letters of New Accesses</u> |
|---|---|
| | |
| | |
| Access Track from Elwick Road to land at North Farm, a distance of 92 metres (marked Z on Sheet 2). | AA |

APPENDIX 4

| <u>Private Means of Access to be Stopped Up</u> | <u>Reference Letters of New Accesses</u> |
|--|---|
| - | T |
| - | X |
| - | Y |

DRAFT

APPENDIX 4

Given under the Common Seal of the Borough of Hartlepool on the
Day of 2023

THE COMMON SEAL OF
the Borough of Hartlepool

was affixed in the presence of:

Authorised Signatory

DRAFT

APPENDIX 4

DRAFT 6 MARCH 2023

HIGHWAYS ACT 1980

THE HARTLEPOOL BOROUGH COUNCIL

**(A19/ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK NORTHERN
BYPASS/HARTLEPOOL WESTERN LINK) (CLASSIFIED ROAD)(SIDE ROADS) ORDER
2023**

The Hartlepool Borough Council ("the Council") make this Order in exercise of powers conferred by sections 14 and 125 of the Highways Act 1980 and all other powers enabling them in that behalf:

6.

- (3) The Council is authorised in relation to that length of the classified road in the Parish of Elwick in the Borough of Hartlepool to:
 - (d) improve the lengths of highway named in the Schedules and shown on the corresponding Site Plan by cross hatching;
 - (e) stop up each length of highway described in the Schedules and shown on the corresponding Site Plan by zebra hatching;
 - (f) construct a new highway along each route whose centre line is shown on a Site Plan by an unbroken black line surrounded by stipple;
 - (g) stop up each private means of access to premises described in the Schedules and shown on the corresponding Site Plan by a solid black band; and
 - (h) provide new private means of access to premises along each route or at each location shown on a Site Plan by thin diagonal hatching.
- (4) Where a new highway is to be constructed wholly or partly along the same route as a new access or part of one, that new highway shall be created subject to the private rights over that new access.
- (5) Each new highway is given a reference number and letter on a Site Plan, which is also placed in the respective Schedule, and will be a road unless the word "Footpath" or "Cycle Track (with a right of way on foot)" appears beneath its reference number and letter in that Schedule, in which case it will be a Footpath or Cycle Track (with a right of way on foot) as the case may be. Each new access is given a reference number followed by a lower case letter on a Site Plan, which is also placed in the respective Schedule.
- (6) Where a new highway is to be constructed or a new access is to be provided in connection with the stopping up of a length of highway or private means of access described in a Schedule, its reference number and letter or number (as the case may be) is placed in the said Schedule opposite the description of that length.
- (7) Each Site Plan shows the works indicated in the respective Schedule and has the same number as that Schedule, and the route of the classified road is shown in relation to the works shown on each Site Plan.

APPENDIX 4

7. Where immediately before a length of highway is stopped up in pursuance of this Order there is under, in, on, over, along or across that highway any apparatus of statutory undertakers or any telecommunications code system operator then, subject to section 21 of the Highways Act 1980, those undertakers, or that operator, as the case may be, shall continue to have the same rights as respects that apparatus as they had immediately before the stopping up took place.
8. In this Order:
- (4) Distances are measured along the route of the relevant highway or private means of access to premises, as the case may be;
 - (5) A reference to a Schedule or Site Plan number is a reference to the Schedule or Site Plan so numbered;
 - (6)
 - (g) "the classified road" - North Lane, Elwick, Hartlepool
 - (h) "the Council" - means Hartlepool Borough Council
 - (i) "improvement" - in relation to a highway includes raising, lowering or otherwise altering that highway, and "improved" shall be construed accordingly;
 - (j) "new access" - means a means of access to premises authorised by this Order to be provided;
 - (k) "new highway" - means a new highway authorised by this Order to be constructed and "new highways" shall be construed accordingly;
 - (l) "schedule" - means a Schedule to this Order, and "Schedules" shall be construed accordingly;
 - (m) "Site Plan" - a duplicate has also been deposited at the offices of the Secretary of State for Transport.

SCHEDULE 1**A19/Elwick Road/North Lane Junction
and Elwick Northern Bypass/Hartlepool
Western Link**

Sheet 1 of 3

Highway to be Improved

North Lane (at its junction with the A19) – a 26m section of highway to be improved upgrading the access off and onto the A19 at North Lane (marked K on Sheet 1).

North Lane (a section of highway starting approximately 92m south east of its junction with the A19) – a 28m section of highway to be improved upgrading North Lane where it meets the new highway (marked N on Sheet 1).

| <u>Highway to be Stopped Up</u> | <u>Reference Letter of New Highways</u> |
|---|--|
| North Lane from a point [38 metres] south east of its junction with the A19 in a south-easterly direction for a distance of [61] metres (marked H on Sheet 1) | L and M |
| - | C |
| - | D |
| - | E |
| - | F |
| - | G |
| - | O |

| <u>Private Means of Access to be Stopped Up</u> | <u>Reference Letter of New Accesses</u> |
|--|--|
| A section of the access track from the northbound A19 highway to Middleton House Farm, for 10 metres westwards from its junction with the A19 (marked B on Sheet 1). | A |
| Access track from the south bound A19 highway to Martindale Farm, a distance of 319 metres (marked I on Sheet 1). | P |

APPENDIX 4

| <u>Private Means of Access to be Stopped Up</u> | <u>Reference Letter of New Accesses</u> |
|---|--|
| Track going north for 60m from the access track leading from the south bound A19 highway to Martindale Farm (as identified immediately above) to land forming part of Martindale Farm, a distance of 60 metres (marked J on sheet 1). | Q |
| Access Track from Worset Lane to Potters Farm where that access is crossed by the classified road, for a distance of 59 metres (marked R on Sheets 1 and 2). | S (see sheet 2) |

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SCHEDULE 2**A19/Elwick Road/North Lane Junction
and Elwick Northern Bypass/Hartlepool
Western Link**

Sheet 2 of 3

Highway to be Improved

Elwick Road (a section of highway starting 340m south west of North Urn Farm) – a 196m section of highway to be improved, upgrading Elwick Road where it meets the new highway (marked BB on Sheet 2).

| <u>Highways to be Stopped Up</u> | <u>Reference Letters of New Highways</u> |
|--|---|
| Public footpath running along track from North Farm to land at North Farm where that access is crossed by the classified road, for a distance of 61 metres (marked U on Sheet 2). (Note: public footpath and private access to be stopped up at V below overlap and share the same surface) | W |

| <u>Private Means of Access to be Stopped Up</u> | <u>Reference Letters of New Accesses</u> |
|--|---|
| Access Track from Worset Lane to Potters Farm where that access is crossed by the classified road, for a distance of 59 metres (marked R on Sheets 1 and 2). | S |
| Access Track from North Farm to land at North Farm where that access is crossed by the classified road, for a distance of 61 metres (marked U on Sheet 2). | V |
| Access Track from Elwick Road to land at North Farm, a distance of 92 metres (marked Z on Sheet 2). | AA |
| - | T |
| - | X |

APPENDIX 4

| <u>Private Means of Access to be Stopped Up</u> | <u>Reference Letters of New Accesses</u> |
|--|---|
| - | Y |

DRAFT

SCHEDULE 3

**A19/Elwick Road/North Lane Junction
and Elwick Northern Bypass/Hartlepool
Western Link**

Sheet 3 of 3

Highways to be Improved

Coal Lane (a section of highway starting at its junction with the A19, 522m south east of High Barns) – a 180 metre section of highway to be improved, altering the highway on the approach to and at the junction with the A19 (marked CC on sheet 3).

DRAFT

Given under the Common Seal of the Borough of Hartlepool on the

Day of

2023

THE COMMON SEAL OF

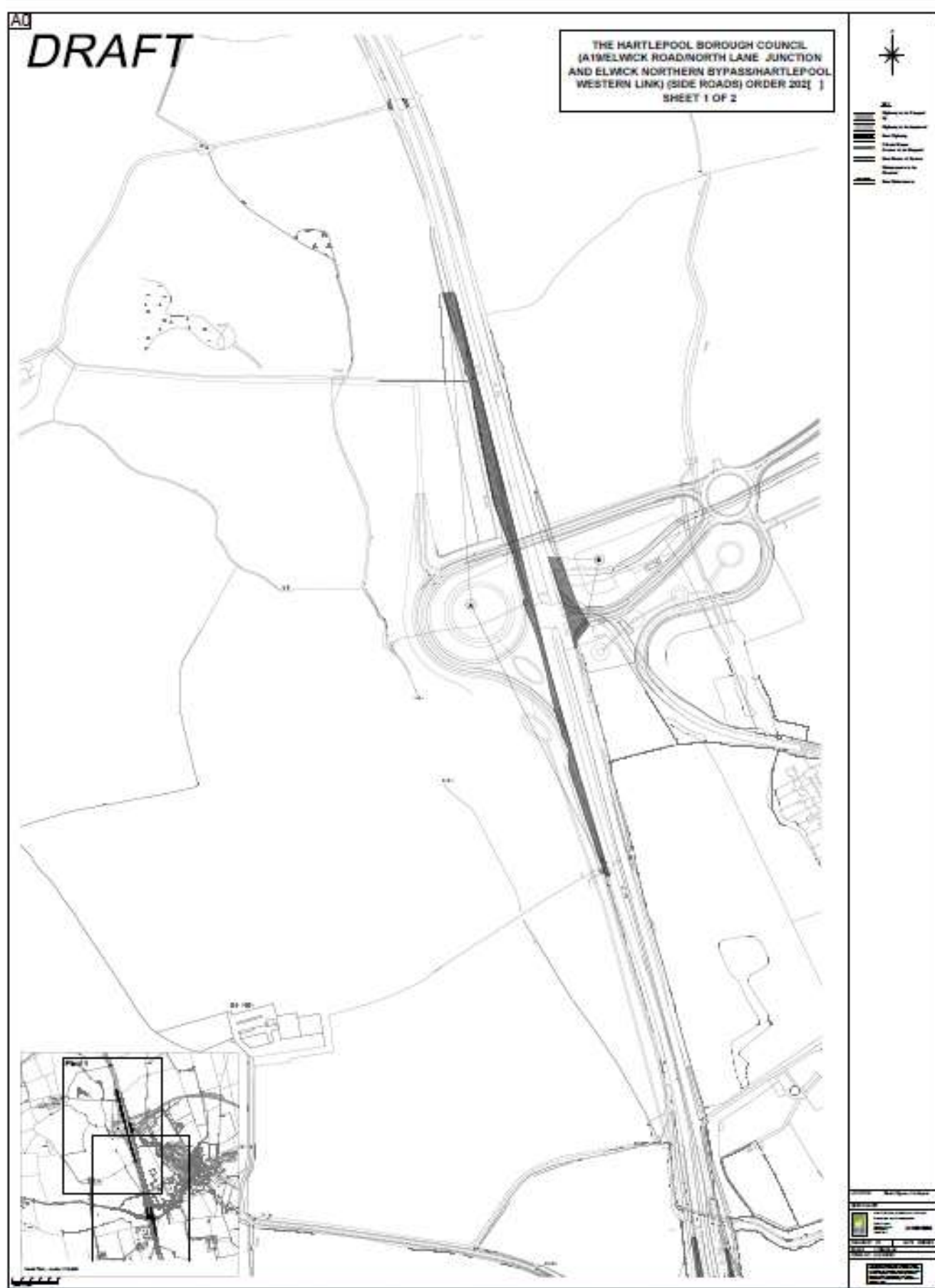
the Borough of Hartlepool

was affixed in the presence of:

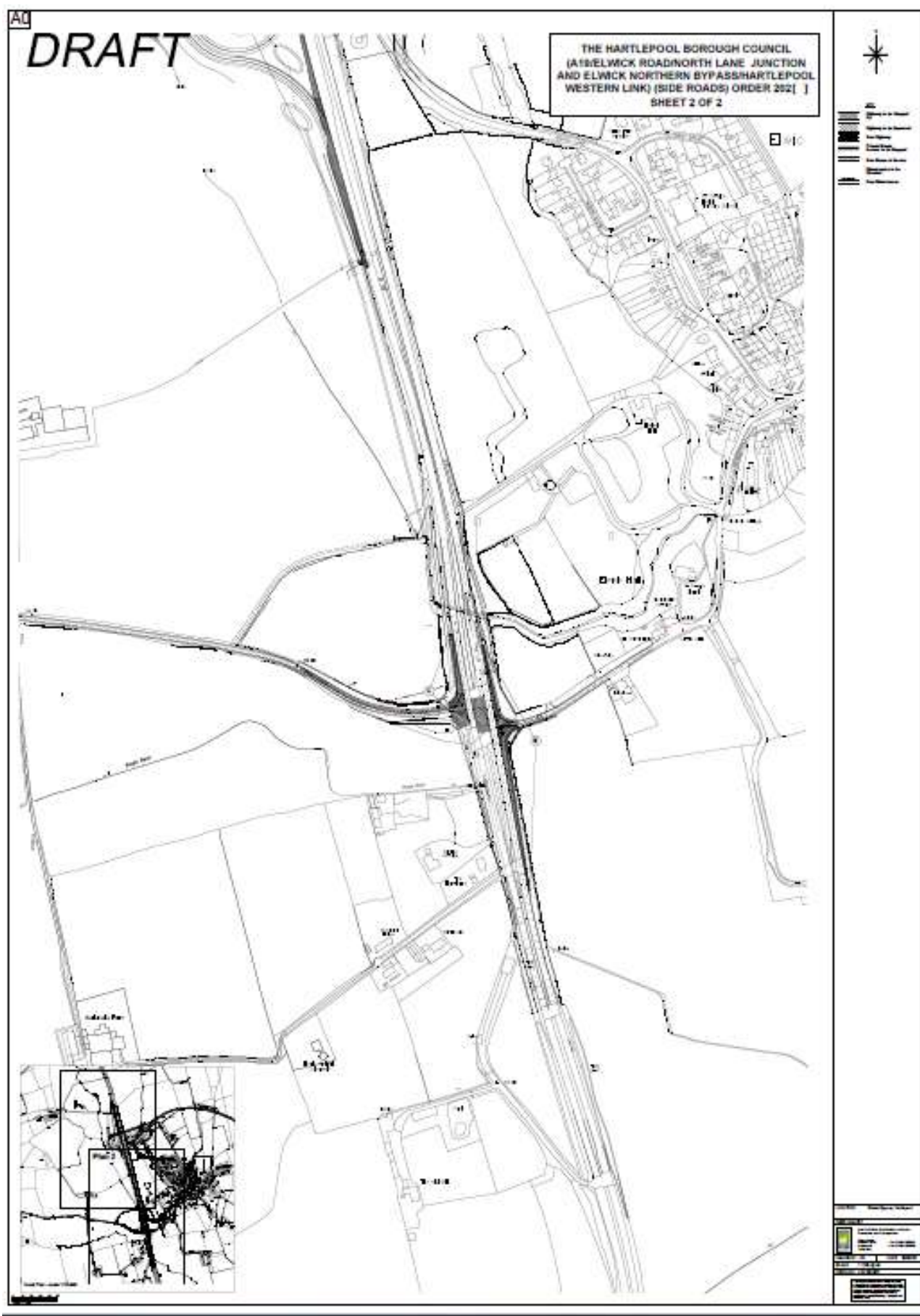
Authorised Signatory

DRAFT

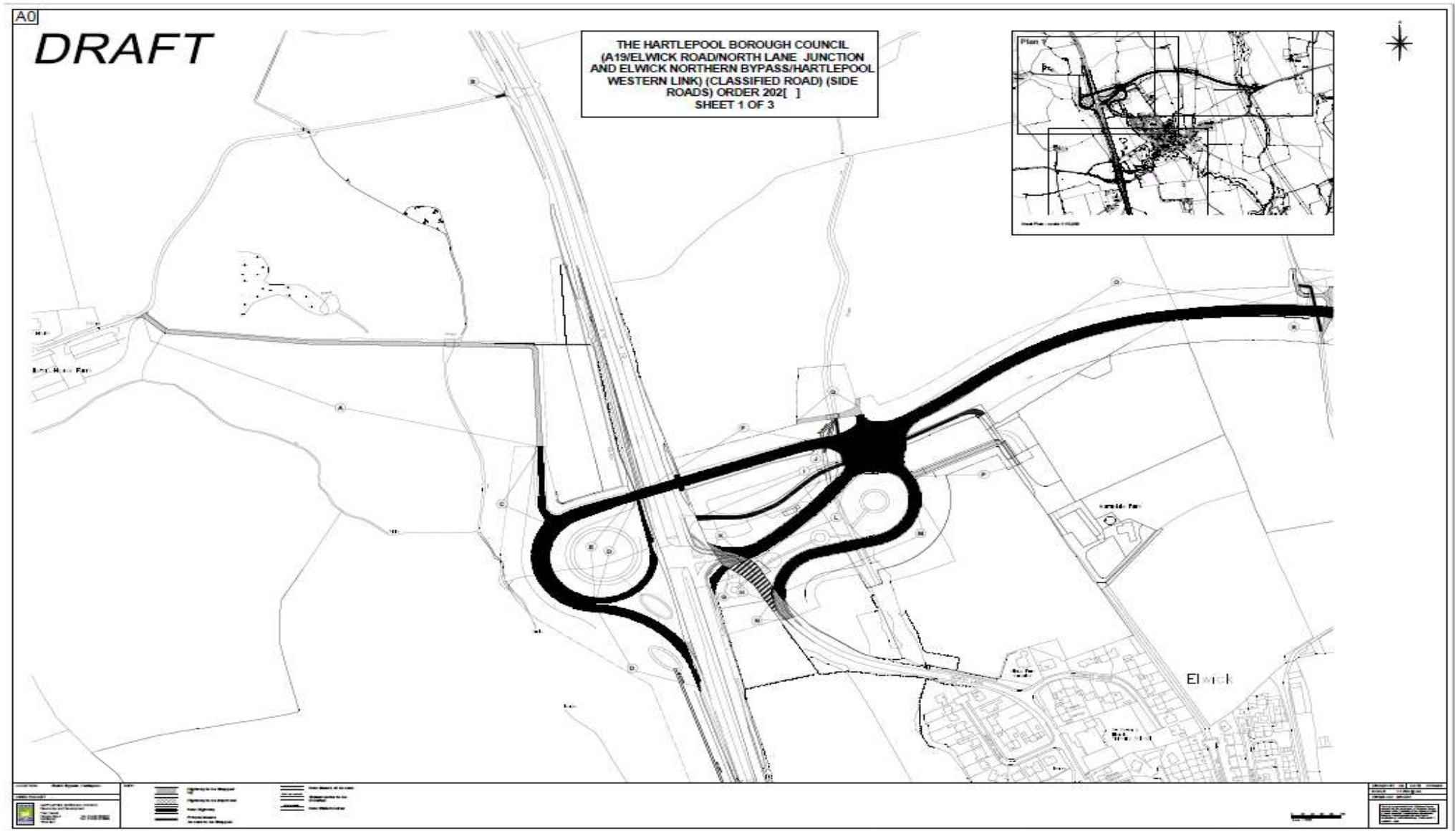
APPENDIX 5



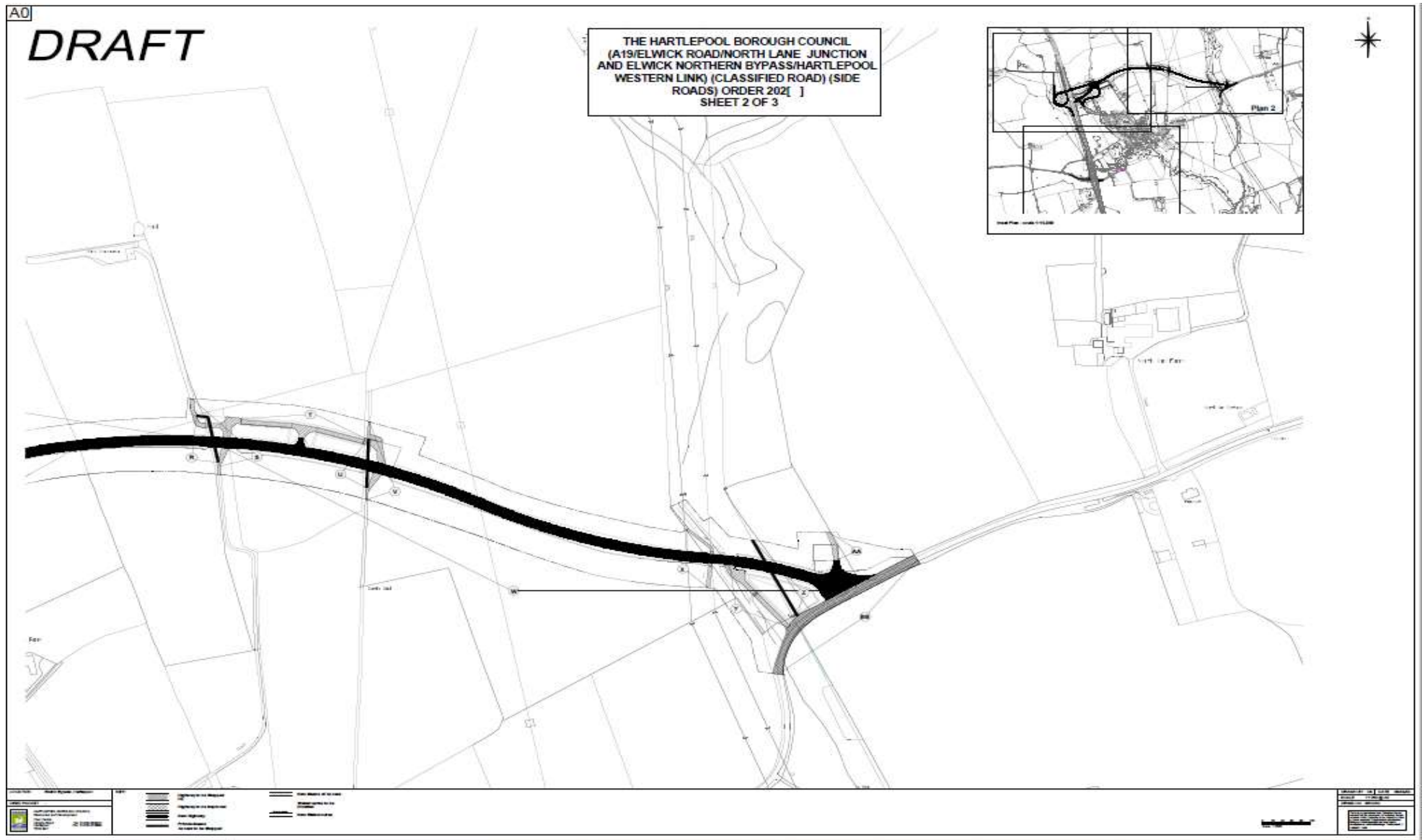
APPENDIX 5



5.2
APPENDIX 5



5.2
APPENDIX 5



DRAFT 6 MARCH 2023**Hartlepool Borough Council and National Highways****Agreement under Section 6 Highways Act 1980****Proposed Heads Of Terms – The Hartlepool Borough Council (A19/Elwick Road/North Lane Junction And Elwick Northern Bypass/Hartlepool Western Link) Compulsory Purchase Order 2023**

| <u>Term</u> | |
|--------------------|---|
| 1. Parties | National Highways (now National Highways Limited) (NH) Hartlepool Borough Council (HBC) |
| 2. Recitals | <p>Outlines the background of Agreement as follows:</p> <ul style="list-style-type: none"> (a) NH is the highways authority in respect of the A19 Trunk Road (b) The proposed Scheme involves carrying out Works which will include modifications and improvements to the Trunk Road (c) Planning permission has not yet been granted for the Scheme (d) The Works will require Highways Act Orders to bring forward the scheme, including to accommodate alterations to the Trunk Road – these will brought forward by HBC pursuant to the delegation set out in the Agreement. (e) HBC has requested that NH authorise HBC to promote the necessary Orders and to construct the Works as agent for NH (f) It is not envisaged that HBC acquire land and interests on NH's behalf, but such authorisation to be included out of caution. (g) Authorisation from NH is noted to include authority for new highway that will pass over the existing A19 trunk road (h) HBC intends to design, fund and carry out the Scheme. |

APPENDIX 6

| <u>Term</u> | |
|--|--|
| 3. Statutory Powers | <p>The Agreement is made pursuant to s6 of the Act.</p> <p>It is entered into by NH pursuant to the Infrastructure Act 2015 and the powers granted by the Licence and Delegation of Functions (Strategic Highways Companies) (England) Regulations 2015 and all other enabling powers.</p> |
| 4. Exercise of Highways Authority Functions | <p>(a) NH authorises HBC to carry out the Project (the Works, [acquisition of land], obtaining consents, paying compensation, designing, specification and carrying out works) in respect of the Trunk Road at its own expense and at no cost to NH.</p> <p>(b) From date of Agreement until Final Certificate, all functions as Highway Authority in respect of the Works are delegated to HBC, including (but not limited to):</p> <ul style="list-style-type: none"> (i) promoting Road Orders and CPO; (ii) acquiring land pursuant to s239 if required; and (iii) NH's functions relating to the maintenance, improvement and other dealing with Trunk Road and for Works. <p>(c) Duty for both parties to co-operate with each other to allow works to be carried out, and assist each other in promotion and publication of the traffic regulation orders and dealing with other statutory requirements.</p> <p>(d) Council to keep NH fully informed as to progress of land acquisition and Orders (including any Inquiry).</p> <p>(e) If an Inquiry is required, NH to provide such reasonable support to HBC as the Parties may consider appropriate.</p> |
| 5. Delegated Powers | <p><u>Powers in Respect of Acquisition of Land if required</u></p> <p>(a) Power of acquisition of land required for carrying out of Works by agreement and all work required in negotiating agreements (including compensation and disputes)</p> <p>(b) Power of acquisition of land in connection with the Works compulsorily, including the preparation, submission and publication of CPO, dealing with representations, comments and objections, dealing with any Inquiry, service of notices to complete acquisition and all work relating to Confirmation.]</p> |

APPENDIX 6

| <u>Term</u> | |
|--|---|
| | <p><u>Powers in respect of Road Orders</u></p> <ul style="list-style-type: none"> (a) In respect of Orders made under s10 of the Act, NH shall liaise with DfT to enable the draft order to be signed by the Secretary of State. Thereafter, NH shall work with the DfT to pursue the matter through the statutory process. (b) HBC to prepare the Order to be made pursuant to S14 of the Act, to be in a format supplied by NH and approved by NH. (c) Submission of made s14 order to Secretary of State. (d) Preparation of all material required in connection with the Road Orders (such as Statements of Reasons, Scheme Drawings, certificates relating to publication) (e) Promotion of Road Orders, and all work dealing with comments, representations and objections. (f) All work dealing with an Inquiry; (g) All work required following confirmation of the Road Orders. |
| <p>6. Obligations in relation to the carrying out the Project</p> | <ul style="list-style-type: none"> (a) Before commencing Works, HBC to obtain written approval of the design to the Works and expenditure to be incurred by HBC in respect of the A19 works (excluding those works within HBC's jurisdiction as local highway authority). (b) HBC is responsible for obtaining the relevant Consents (including planning permission) and carrying out project in accordance with consents. (c) HBC to exercise all functions "with reasonable skill and care". (d) HBC must: <ul style="list-style-type: none"> (i) Ensure all road safety audits are carried out; (ii) Construct the Works In accordance with 'Manual of Contract Documents for Highway Works and the DMRB'; (iii) Comply with all reasonable requirements of NH as to how Works in respect of the A19/Trunk Road are to be carried out; |

APPENDIX 6

| <u>Term</u> | |
|---|--|
| | <ul style="list-style-type: none"> (iv) Carry out works in respect of the A19/Trunk Road in a "good and workmanlike manner" using "good quality materials"; (v) Carry out works in accordance with the Programme (which in respect of the A19/Trunk Road is to be approved by NH) unless otherwise agreed in writing (acting reasonably); (vi) Carry out and complete the Works in respect of the A19/Trunk Road to the reasonable satisfaction of NH. (vii) HBC not permitted to make material alterations to Project or Works in respect of the A19/Trunk Road without prior written consent of NH (not to be unreasonably withheld or delayed). (viii) HBC to give NH no less than 14 days' notice of any access to road or lane space required (ix) HBC to take such precautions for protection of public and private interests in respect of the A19/Trunk Road as would be incumbent on NH. (x) HBC to be the Streetworks Coordinator for the scheme and carry out the Traffic Management Measures (after first seeking approval of NH to timings of measures). |
| 7. Procurement of the Works | <ul style="list-style-type: none"> (a) HBC to comply with any reasonable directions of NH as to the terms of the contract to be entered into by the Council for carrying out of the Works in respect of the A19/Trunk Road. (b) NH to be provided with draft copies of all procurement documents in respect of the A19/Trunk Road including contract. (c) HBC shall include any additional requirements submitted by NH in the contract documents and tender in respect of the A19/Trunk Road (where provided without unreasonable delay). |
| 8. Site Meetings and Inspections | <ul style="list-style-type: none"> (a) HBC to provide NH with copies of all documents, information, correspondence etc in respect of the A19/Trunk Road as reasonably required. (b) HBC to give NH not less than 5 days' notice (or as much as possible in emergency) of all site meetings and allow NH to attend. (c) HBC to allow NH access to Works in respect of the A19/Trunk Road and adjacent areas of the Scheme (as marked on a plan) at any time on at least 5 working days prior notice. |

APPENDIX 6

| <u>Term</u> | |
|-----------------------------------|--|
| | (d) HBC to take proper consideration of any representations made by NH in respect of the A19/Trunk Road about whether the Works are being carried out in accordance with the Agreement and to construct the Works in respect of the A19/Trunk Road as agent for NH. |
| 9. Completion of the Works | <p>(a) When Works have reached completion (including Stage 3 safety audit and any resulting works), HBC shall notify NH and allow NH to inspect.</p> <p>(b) HBC shall procure that in issuing Completion Certificate "proper consideration" is given to any representations of NH in respect of the A19/Trunk Road.</p> <p>(c) Copy of Completion Certificate to be provided to NH.</p> <p>(d) From the issuing of the Completion Certificate the Works will be available for use by vehicles.</p> |
| 10. Maintenance Period | <p>(a) Commences from date of Completion Certificate, and lasts for a period of not less than 52 weeks until issue of the Final Certificate.</p> <p>(b) During this period, HBC must maintain the Works in respect of the A19/Trunk Road to the reasonable satisfaction of NH.</p> <p>(c) During this period, and as-built record of finished works in respect of the A19/Trunk Road must be undertaken by HBC and submitted to NH, along with copies of the recorded location of all as-constructed below ground statutory and highway authority apparatus, and all defects identified through joint inspection must be remedied.</p> |
| 11. Final Certificate | <p>(a) Cannot be issued earlier than 52 weeks from the Completion Certificate, and can only be issued provided that all identified defects requiring remediation have been completed and a Stage 4 safety audit has been carried out and any required alterations have been completed.</p> <p>(b) HBC must notify NH and allow NH the opportunity to inspect.</p> <p>(c) HBC and the project manager must give proper consideration to any representations that are made by NH in respect of the A19/Trunk Road and cannot issue the Final Certificate unless NH (acting reasonably) have provided approval.</p> <p>(d) NH cannot give approval until remediation following Stage 4 Safety Audit has been carried out, additional defects works identified during the maintenance period have been carried out, and all fees payable to NH pursuant to the Agreement have been paid.</p> |

APPENDIX 6

| <u>Term</u> | |
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| | (e) HBC to provide copy of Final Certificate to NH. |
| 12. Reallocation of Functions | After issue of Final Certificate, NH is to maintain the Works. Details to be agreed as to apportionment of maintenance, including "top two spits" or highway element of overbridge is to be maintained by HBC, whilst structure below is to be maintained by NH. Also precise delineation of maintenance of slip roads to be agreed. |
| 13. Transfer of Land and Dedication. | <p>(a) If HBC were to acquire land to form part of the site of the Trunk road then that land is to be transferred to NH within 56 days of Final Certificate, free of financial charge (as well as with vacant possession, full title guarantee and free from incumbrances impacting use as a highway).</p> <p>(b) HBC is to retain freehold ownership of highway land not comprised in the A19 Trunk Road and including the overbridge and from the date of the Agreement responsibility for the construction of the highway running over the Trunk Road falls on HBC. Under s24 of the Act, NH approve the construction of that overbridge highway.</p> <p>(c) Drainage responsibilities to be agreed</p> <p>(d) The surface of the highway above the Trunk Road forms part of HBC's highway network and will be used and maintained as such.</p> |
| 14. Payment of National Highways' Costs | <p>(a) HBC to pay all costs and expenses reasonably and properly incurred by NH in relation to the Works and this agreement, including (but not limited to) costs in relation to:</p> <ul style="list-style-type: none"> (i) Approving design work carried out by HBC; (ii) Supervising the Works in respect of the A19/Trunk Road ; (iii) Admin and Legal expenses (including general staff costs); (iv) Legal costs incurred in the transfer of the land; (v) Costs of drafting and negotiation of the S6 Agreement (vi) Costs in supporting HBC at Inquiry. <p>(b) All amounts exclusive of VAT – if VAT is chargeable then HBC shall pay NH an additional amount.</p> |

APPENDIX 6

| <u>Term</u> | |
|------------------------------------|--|
| 15. Payment of Commuted Sum | None required |
| 16. Indemnities | <p>(a) HBC to indemnify NH against any actions, claims losses (etc) arising out of breach or non-observance by HBC of its obligations under this Agreement relating to the design, construction and management of the Project (including negligent or defective design or construction of the works), including (but not limited to) :</p> <ul style="list-style-type: none"> (i) third party claims for death, personal injury or property damage; (ii) statutory or other liability for safety and security of working methods employment practices, protection of environment and control of pollution; and (iii) third party claims for unlawful interference with rights of light, air, support, water drainage or other easements/rights. <p>(b) HBC to indemnify NH in respect of claims under s10 of CPA 1965, Land Compensation Act 1973, exercise by the Council of NH's powers under s239 of the Act, and claims under the Noise Insulation Regulations 1975 arising out of (or in connection/incidental with) the Works or the Scheme.</p> <p>(c) Sets out for procedure for claims under indemnities:</p> <ul style="list-style-type: none"> (i) NH to give notice within 21 days of receiving a claim; (ii) HBC to notify NH within 7 days of receiving a claim; (iii) HBC to instruct the District Valuer Services or such other suitably qualified expert practitioner and NH shall provide all reasonable cooperation and assistance. (iv) HBC shall pay NH the amount requested within 54 days following notification of the amount. (v) Amounts recovered by NH to be repaid to HBC Council less expenses. (vi) NH have an obligation to mitigate loss. <p>(d) Indemnities above include legal fees, admin fees, interest payments, agent/contractor fees and any claimant fees NH is obliged to pay (including statutory interest payments to claimants and their professional advisors).</p> |

APPENDIX 6

| <u>Term</u> | |
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| 17. National Highways Power to Execute Works in Default | <p>(a) If HBC are in breach of the Agreement or Works in respect of the A19/Trunk Road are not completed to the reasonable satisfaction of NH, then NH can either direct that HBC procure at its own expense the necessary works for NH to be satisfied, or NH can carry out the works itself and HBC shall provide an indemnity for costs.</p> <p>(b) If these circumstances occur and NH reasonably consider it is not practical to complete the Works NH may require the council to procure (at its own expense) the reinstatement of the Trunk Road and other land/premises to previous condition or carry out the reinstatement works itself, with HBC providing an indemnity for costs.</p> |

DRAFT

EQUALITY IMPACT ASSESSMENT FORM

| Department | Division | Section | Owner/Officer |
|--|---|--------------------------|-------------------|
| Neighbourhoods and Regulatory Services | Place Management | Planning and Development | Tony Hanson |
| Service, policy, practice being reviewed/changed or planned | A19 / ELWICK ROAD/NORTH LANE JUNCTION AND ELWICK ROAD / HARTLEPOOL WESTERN LINK PROJECT COMPULSORY PURCHASE ORDER (CPO), SIDE ROADS ORDERS (SROS) AND SLIP ROADS ORDER (SLRO) (The Orders). | | |
| Why are you making the change? | Alleviate pressure on junctions with the A19, alleviate traffic on the A179, facilitate housing development and reduce traffic flow through Elwick. | | |
| How might this impact (positively/negatively) on people who share protected characteristics? | | | |
| | | <i>Please tick</i> | |
| | | POSITIVELY | NEGATIVELY |
| Age | | Yes | |
| <p><u>Building of the infrastructure</u></p> <p>The infrastructure will have a positive impact on people of all ages as road safety at A19 junctions, on the A179 and in Elwick village will be improved. In Elwick the benefits will be particular apparent for children and the elderly as these groups can, at times, have less spatial awareness. It will create a safer environment due to reduced traffic flow and thus lessen potential occurrences of conflict between vehicles and pedestrians.</p> <p>Housing that is expected to come forward is for all ages, with family homes proposed and bungalows predominately being proposed.</p> <p><u>The Orders process</u></p> <p>The Orders process is likely to have a neutral impact on all age groups. Active participation in the Orders only involves land owners and other parties that attend the inquiry. The ages of those involved is unknown and not a fact that HBC would seek to obtain.</p> <p>The Orders process can be stressful and time consuming and thus could have a negative impact upon participants, equally the Orders process can be exiting, challenging, rewarding and thus a benefit to some participants. The outcome of the inquiry will have a positive or negative impact upon people depending on the decision made.</p> | | | |
| Disability | | Yes | |
| <p><u>Building of the infrastructure</u></p> <p>The infrastructure will likely have positive impacts for people with disabilities. Those with disabilities may drive and/or be a passenger in a vehicle, roads will be safer and thus a benefit to those with disabilities.</p> <p>Traffic flow through Elwick is likely to be reduced, thus making a nicer environment for pedestrians. Currently many people, including those with disabilities, have to walk on the main road through the village then the impact of reducing the level of traffic is positive.</p> <p>Some housing that will come forward will be bungalows which can be a benefit to those with disabilities. Over time some of the new homes may be built to life time home standards which seek to make homes adaptable to cater for long term needs including possible future possible disabilities. Facilitating new homes will improve the offer of home available to all including those with disabilities.</p> | | | |

| | | |
|--|------------|--|
| <u>The Orders process</u> At this point in time it is not known if any participants have disabilities. If participants do have disabilities then they will be catered for throughout the process. | | |
| Gender Re-assignment | Yes | |
| <u>Building of the infrastructure</u> The infrastructure will have positive impacts for all residents and visitors, including those who are undergoing or have undergone gender reassignment. Roads will be safer and thus a benefit to all who use them. Traffic flow through Elwick is likely to be reduced, thus making a more pleasant environment for all resident and visitors, including those who are undergoing or have undergone gender reassignment. Facilitating new homes will improve the offer of home available to all including those who are undergoing or have undergone gender reassignment. <u>The Orders process</u> At this point in time it is not known in participants have undergone or are undergoing gender reassignment and it not a fact that HBC seek to establish. The process is a fair and inclusive process and all participants will be treated equally. | | |
| Race | Yes | |
| <u>Building of the infrastructure</u> The infrastructure will have positive impacts for all residents and visitors no matter their race. Roads will be safer and thus a benefit to all who use them. Traffic flow through Elwick is likely to be reduced, thus making a more pleasant environment for all resident and visitors no matter their race. Facilitating new homes will improve the offer of home available to all no matter a person's race. <u>The Orders process</u> At this point in time the race of participants it is not known. The process is a fair and inclusive process and all participants will be treated equally. | | |
| Religion | Yes | |
| <u>Building of the infrastructure</u> The infrastructure will have positive impacts for all residents and visitors no matter their religion. Roads will be safer and thus a benefit to all who use them. Traffic flow through Elwick is likely to be reduced, thus making a more pleasant environment for all resident and visitors no matter their religion. Facilitating new homes will improve the offer of home available to all no matter a person's religion. <u>The Orders process</u> At this point in time the religion of participants it is not known. The process is a fair and inclusive process and all participants will be treated equally. | | |

| Gender | Yes | |
|--|-----|--|
| <p><u>Building of the infrastructure</u> The infrastructure will likely have positive impacts for all resident and visitors no matter their gender. Roads will be safer and thus a benefit to all who use them.</p> <p>Traffic flow through Elwick is likely to be reduced, thus making a more pleasant environment for all resident and visitors no matter their gender.</p> <p>Facilitating new homes will improve the offer of home available to all no matter a person's gender.</p> <p><u>The Orders process</u> At this point in time the gender of all participants it is not known. The team currently working on the orders is made up of male and females: The process is a fair and inclusive process and all participants will be treated equally.</p> | | |
| Sexual Orientation | Yes | |
| <p><u>Building of the infrastructure</u> The infrastructure will have positive impacts for all residents and visitors no matter their sexual orientation. Roads will be safer and thus a benefit to all who use them.</p> <p>Traffic flow through Elwick is likely to be reduces, thus making a more pleasant environment for all resident and visitors no matter their sexual orientation.</p> <p>Facilitating new homes will improve the offer of home available to all no matter a person's sexual orientation.</p> <p><u>The Orders process</u> At this point in time the sexual orientation of participants it is not known. The process is a fair and inclusive process and all participants will be treated equally.</p> | | |
| Marriage & Civil Partnership | Yes | |
| <p><u>Building of the infrastructure</u> The infrastructure will have positive impacts for all residents and visitors, roads will be safer and thus a benefit to all who use them.</p> <p>Traffic flow through Elwick is likely to be reduces, thus making a more pleasant environment for all resident and visitors.</p> <p>Facilitating new homes will improve the offer of home available to all no matter their relationship status.</p> <p><u>The Orders process</u> At this point in time the relationship status of participants it is not known. The process is a fair and inclusive process and all participants will be treated equally.</p> | | |
| Pregnancy & Maternity | Yes | |
| <p><u>Building of the infrastructure</u> The infrastructure will have positive impacts for all residents and visitors, roads will be safer and thus a benefit to all who use them.</p> <p>Traffic flow through Elwick is likely to be reduces, thus making a nicer walking environment.</p> | | |

| | | | |
|--|------------|--|----------|
| The Orders process At this point in time it is not known if any participants are pregnant. It is not known if any participants will be taken off the project team due to maternity leave or will be part of the team whilst on maternity leave but doing keep in touch days. It is not known what the circumstances of land owners and other participants are. During the process attempts will be made to ensure any pregnancy or maternity needs are catered for. The measures in place will be dependent upon the individual person's needs. | | | |
| Has there been consultation /is consultation planned with people who will be affected by this policy? How has this affected your decision making? | | General consultation was taking through the 2018 Local plan process with regards to the infrastructure. Consultation was also undertaken within Middleton Grange Shopping Centre in January 2018. Consultation has not specifically be taken with any people with protected characteristics. | |
| As a result of your decision how can you mitigate negative/maximise positive outcomes and foster good relationships? | | During the CPOs process all participants will be asked if there are any special circumstances that need to be catered for. Every attempt is made to make the process as user friendly and inclusive for all. The need to cater for all circumstances is managed by HBC and the inspector. | |
| Describe how you will address and monitor the impact | | 1. No Impact - No Major Change No change to infrastructure design or CPOs process. | |
| | | 2. Adjust/Change Policy No change to infrastructure design or CPOs process. | |
| | | 3. Adverse Impact but Continue as is No adverse impacts specifically identified | |
| | | 4. Stop/Remove Policy/Proposal N/A | |
| Initial Assessment | 27/02/2023 | Reviewed | 00/00/00 |
| Completed | 00/00/00 | Published | 00/00/00 |

POVERTY IMPACT ASSESSMENT

| 1. Is this decision a Budget & Policy Framework or Key Decision? YES If YES please answer question 2 below. | | | | |
|--|-----------------|-----------------|-----------|--|
| 2. Will there be an impact of the decision requested in respect of Child and Family Poverty? YES If YES please complete the matrix below | | | | |
| GROUP | POSITIVE IMPACT | NEGATIVE IMPACT | NO IMPACT | REASON & EVIDENCE |
| Young working people aged 18 – 21 | Yes | | | <p>The infrastructure The infrastructure will free up capacity on the road network and thus open up housing and employment sites. The development of such sites creates employment opportunities. Some of the jobs created will be suitable for the younger population. Overall the impact is expected to be positive.</p> <p>The Orders process It is not yet known the age of the participants in the Orders process however the outcome for participants will be dependent upon the decision made.</p> |
| Those who are disabled or suffer from illness / mental illness | Yes | | | <p>The infrastructure The infrastructure will release opportunities for housing and employment growth, affordable homes will be facilitated and it is anticipated that a percentage will be adaptable/Life Time Homes. The roads (A19 and A179 especially) will be made safer making journeys less stressful for those suffering from illnesses. The environment in Elwick will be improved assisting in uplifting those with mental health illnesses and allowing the ability for a more pleasant walking environment. Overall the impact is expected to be positive.</p> <p>The Orders process The Orders processes is fair and equal to all, the physical and mental ability of participants is unknown, but any special request relating to disability and or illness/mental illness will be taken into account during the process. The outcome is dependent upon the decision made.</p> |

POVERTY IMPACT ASSESSMENT

| | | | | |
|---------------------------------------|-----|--|--|---|
| Those with low educational attainment | Yes | | | <p>The infrastructure The infrastructure will make the A19, A689 and A179 safer and reduce traffic flow. Easing the traffic flow in Hartlepool may encourage educational institutes to invest and thus uplift the education offer in Hartlepool, including further/adult education. Creating a better environment in Hartlepool with less congestion etc. may also encourage people to come into the borough to study. Overall the impact is expected to be positive.</p> <p>The Orders processes N/A</p> |
| Those who are unemployed | Yes | | | <p>The infrastructure The infrastructure will free up capacity on the road network and thus open up housing and employment sites. The development of such sites creates employment opportunities.</p> <p>The Orders processes The orders process will be undertaken by trained professionals. HBC have a professional and legal team and there are no current vacancies. The land owners have engaged professional advice and over time new employment opportunities may arise and those seeking employment may be eligible to apply.</p> |
| Those who are underemployed | Yes | | | <p>The infrastructure The infrastructure will free up capacity on the road network and thus open up housing and employment sites. The development of such sites creates employment opportunities.</p> <p>The Orders processes The orders process will be undertaken by trained professionals. HBC have a professional and legal team and there are no current vacancies. The land owners have engaged professional advice and over time new employment opportunities may arise</p> |

POVERTY IMPACT ASSESSMENT

| | | | | |
|---|-----|---|-----|--|
| | | | | and those seeing new employment may be eligible to apply. |
| Children born into families in poverty | Yes | | | <p>The infrastructure The infrastructure will free up capacity on the road network and thus open up housing and employment sites. The development of such sites creates employment opportunities and in turn may assist in uplifting a household income and</p> <p>Homes will be of a high standard built to modern building regulations with better living environments. Quality affordable homes will be provided and many new homes will have renewable energy built in assisting to reduce fuel bills.</p> <p>The Orders processes N/A</p> |
| Those who find difficulty in managing their finances | | | Yes | The infrastructure and Orders process is likely to have a neutral impact upon lone parents. |
| Lone parents | | | Yes | The infrastructure and Orders process is likely to have a neutral impact upon lone parents. |
| Those from minority ethnic backgrounds | | | Yes | The infrastructure and Orders process is likely to have a neutral impact upon those from ethnic backgrounds. Road will be safer, new homes built and job opportunities provided but these opportunities are equal for all residents no matter the ethnic background. |
| Overall impact of Policy / Decision | | | | |
| POSITIVE IMPACT | Yes | ADJUST / CHANGE POLICY / SERVICE | | n/a |
| NO IMPACT / NO CHANGE | n/a | STOP / REMOVE POLICY / SERVICE | | n/a |
| ADVERSE IMPACT BUT CONTINUE | n/a | | | |



Report of: Managing Director

Subject: BUSINESS REPORT

1. LOCAL GOVERNMENT ACT 1972 S.85 – NON-ATTENDANCE OF MEMBER

Council is advised that due ill-health, Councillor Ashton has been unable to attend a recent meeting of the Authority.

Section 85 of the Local Government Act 1972, stipulates that a member who fails to attend a meeting for six consecutive months, unless for a reason approved by the Authority, then ceases to be a member of the Authority. 'Meeting' covers 'any committee or sub-committee of the authority, or any joint committee, joint board or other body' which discharges the functions of the authority or advises on the discharge of those functions'.

If Councillor Ashton is unable to attend a meeting before 3 May 2023 this would, in accordance with the requirements of Section 85 of the Act disqualify Councillor Ashton from continuing to be a Member, unless before that date the reason for non-attendance is approved by Council.

The instructions of Council are requested.

Public questions for Council

Meeting Date: 23 March 2023

| | |
|----|---|
| 1. | From: Mrs Iredale |
| | To: Chair of Neighbourhood Services Committee |
| | <p>Question</p> <p>“With The 'Tall Ships' Festival 4 months away & with it being such a prestigious event that will attract National coverage, Hartlepool will be in the spotlight & needs to look it's best.</p> <p>There are many areas in the town that people use to dump rubbish, it's very unsightly, can cause health & safety issues re vermin etc. & not the image we would want to portray to encourage Tourists.</p> <p>What provision are the Council taking to get the private landlords of properties that get rubbish dumped on a regular basis to clear this rubbish in time for the event.</p> <p>There is a stretch of land between Skerne Road & Warren Road, that gets rubbish dumped there on a regular basis, by the looks it has just had the trees trimmed back, is this area owned by the people of Hartlepool & so comes under the jurisdiction of the Council to keep this area tidy & free of rubbish.</p> <p>Opening the Burn Road Waste Disposal Centre without the need to book a slot & the provision of skips in the troublesome areas, would be a step in the right direction & hopefully encourage members of the public to use the provision provided.”</p> |
| | |
| | |

CLEVELAND FIRE AUTHORITY

MINUTES OF ORDINARY MEETING

9 DECEMBER 2022



PRESENT:

CHAIR

Cllr Paul Kirton – Stockton on Tees Borough Council

HARTLEPOOL BOROUGH COUNCIL

Cllrs Ben Clayton, Angela Falconer

MIDDLESBROUGH COUNCIL

Cllrs Teresa Higgins, Tom Mawston

REDCAR & CLEVELAND BOROUGH COUNCIL

Cllrs Billy Ayre, Julie Craig, Martin Fletcher, Mary Ovens

STOCKTON ON TEES BOROUGH COUNCIL

Cllrs Lynn Hall, Jean O'Donnell

AUTHORISED OFFICERS

Chief Fire Officer, Legal Adviser and Monitoring Officer, Treasurer,
Assistant Chief Fire Officer – Community Protection

APOLOGIES:

Assistant Chief Fire Officer - Strategic Planning & Resources

Councillor Leisa Smith – Hartlepool Borough Council

Councillor Jon Rathmell, Naweed Hussain, Middlesbrough Council

Councillor Steve Matthews, Luke Frost - Stockton-on-Tees Borough Council

75. DECLARATIONS OF MEMBERS INTEREST

It was noted no Declarations of Interests were submitted to the meeting.

76. MINUTES

RESOLVED – that the Minutes of proceedings of the Ordinary Meeting of 14 October 2022 be confirmed.

77. MINUTES OF MEETINGS

RESOLVED - that the Minutes of the Audit & Governance Committee on 18 November and Executive Committee on 25 November 2022 be confirmed.

78. COMMUNICATIONS RECEIVED BY THE CHAIR

- FBU – Notice of Ballot
- LGA – Grey Book Pay Offer

RESOLVED – that the communications be noted.

79. REPORTS OF THE CHIEF FIRE OFFICER

79.1 Public Sector Equality Duty Report 2021/22

The CFO presented this annual report which highlights the Authority's work, and reinforces its commitment towards, complying with the Public Sector Equality Duty. The report includes:

- Gender Pay Gap Reporting
- Workforce Profile
- Creating an Inclusive Culture
- Staff Networks
- Activities

This Report was considered by the Executive Leadership Team on 5 December 2022 and circulated to the Brigades' Equality, Diversity & Inclusion Board. Members welcomed the extensive work being undertaken towards making the Brigade a diverse and inclusive organisation.

RESOLVED – that the Public Sector Equality Duty 2021/22 be approved.

79.2 Independent Culture Review of London Fire Brigade 2022

The CFO reported that this independent review of the culture of London Fire Brigade (LFB) was established by the London Fire Commissioner in response to the death of Firefighter Jaden Matthews Francois-Esprit who took his own life following alleged racial bullying.

The CFO noted that the review aimed to assess the existing culture of LFB and consider the extent the Brigade and its employees have created a culture free from discrimination and unfairness. He referred Members to the key findings detailed at Appendix 1 which painted a picture of poor behaviour and painful experiences over many years with women, Black, Asian and minority ethnic, LGBTQ+ and neurodiverse staff experiencing poor treatment and less career progression.

The CFO referred Members to the recommendations at Appendix 2 and confirmed that learning from LFB's culture review would be used to drive continual improvement at Cleveland and the recommendations would be reviewed in detail and improvements implemented where appropriate.

Councillor Craig acknowledged that workplace bullying was highly concerning and a difficult challenge for organisations to ensure support mechanisms are in place. Councillor Ovens highlighted Cleveland's key strength is that the Brigade is seen as part of the community and highly valued and has systems in place including occupational health, HR and due process to tackle issues.

RESOLVED – That Members noted:

- (i) the contents of the Independent Culture Review of London Fire Brigade November 2022 Report at Appendix 1;**
- (ii) that the Chief Fire Officer will review the London Fire Brigade Report and its recommendations in detail and look to implement improvements to the local arrangements where appropriate; and**
- (iii) that further reports will be provided as necessary.**

79.3 Manchester Arena Inquiry Publication

Members considered the summary of findings from the second volume of the Manchester Arena Inquiry which examined the emergency response following the attack on the Manchester Arena on 22 May 2017 that killed 22 people.

The CFO reported that this statutory public inquiry was published by the Hon. Sir John Saunders who was Chairman of the Inquiry and referred Members to the conclusions and recommendations at Appendix 1.

The CFO gave Members assurance that he would review the report's findings and recommendations and work with other emergency services and wider public sector partners to ensure that any learning is captured and areas for improvement are developed into prioritised local action plans.

Councillor Mawston asked whether police, fire and ambulance work well in Cleveland. The CFO gave assurance that monthly tactical exercises were conducted on various scenarios up to and including terrorism and that the Brigade had systems in place aligned to the Joint Emergency Services Interoperability Programme (JESIP).

RESOLVED – That Members noted:

- (i) the publication of the Manchester Arena Inquiry Volume 2: Emergency Response Report November 2022;**
- (ii) the Inquiry's summary of findings and the 149 recommendations attached as Appendix 1; and**
- (iii) that the Chief Fire Officer would review the report and its recommendations in detail and look to implement improvements to local arrangements where appropriate.**

79.4 Information Pack

79.4.1 Employers Circulars

79.4.3 Campaigns

RESOLVED – that the information pack be noted.

80. JOINT REPORT OF THE CHIEF FIRE OFFICER AND TREASURER

80.1 Medium Term Financial Strategy (MTFS) 2023/24 – 2025/26

The Treasurer presented a detailed update on the Authority's MTFS which integrates the revenue budget, Asset Management Plan, and Reserves Strategy and underpins the delivery of the Community Risk Management Plan (CRMP). The report covered:

- Changes in recurring funding 2013/14 to 2022/23
- Low council tax base
- Impact of previous budget reductions
- Impact of Economic Environment on MTFS Forecasts
- Update of MTFS Forecasts
- Local Government Funding Settlement and Fair Funding Review
- National Pay Awards
- Government funding 2023/24 onwards
- Pension Grant

80.1 Medium Term Financial Strategy (MTFS) 2023/24 – 2025/26 cont.

- Council Tax Referendum Limits
- Revised forecast deficits based on core planning assumptions 2023/24 to 2025/26
- Core planning assumptions 2022/23 to 2025/26
- Planning scenarios – Alternative potential budget deficits 2023/24 to 2025/26
- Asset Management Plan (AMP)

The Treasurer confirmed that this was without doubt the most difficult and uncertain budget position the Authority had ever faced with potentially two unsettled pay awards at the point of budget setting and a deficit of between £1.8 and £2.4m for 2023/24.

As reported to the Executive Committee on 25 November 2022, he confirmed that at this stage of budget setting there was too much uncertainty and variability regarding the actual deficit to be faced by the Authority to enable a detailed strategy to be developed and put forward for Members consideration. The announcement of the provisional 2023/24 Local Government Finance Settlement, including confirmation of the actual Council Tax referendum limit, will be a key milestone and provide funding certainty. Detailed proposals to address the budget deficit will then be developed and reported in line with the budget timetable as follows:

- 20 Jan 2023 - Executive Committee to receive the updated MTFS to reflect the 2023/24 Local Government Settlement and to determine proposals to be referred to the Full Authority.
- 10 Feb 2023 – Full Authority to consider recommendations from the Executive

The Treasurer confirmed that the strategy to address the deficit will be based on a combination of identification of budget saving which can be implemented over the period 2023/24 to 2025/26; use of interest income; and use of the Budget Support Fund. Work is ongoing to update the AMP as inflation will increase the cost of the approved programme and details will be reported in line with the budget timetable

He reported that additional costs will need to be funded from a combination of value engineering, re-assessing priorities and potentially additional prudential borrowing. This includes the additional £191k required to fund the Drill Towers due to the impact of construction industry inflation.

Councillor Hall acknowledged that Cleveland was one of the smallest authorities with the biggest challenges and asked what impact the £5 Council Tax referendum limit would actually have. The Treasurer confirmed this would provide the Authority with £1.7m recurring income over 3 years and would represent 0.3% of the total Council Tax bill people pay.

Councillor Clayton stated that it was a depressing outlook financially for the Brigade, which despite being a small authority consistently out-performs other fire services. He acknowledged that the funding formula was broken.

RESOLVED – That Members noted the report.

- 81. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION ORDER) 2006**
RESOLVED - “That Under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 3, 4 and 7 of Part 1 Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, namely information relating to any individual; information relating to the financial or business affairs of any particular person (including the authority) holding that information and namely information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority; namely information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.”
- 82. CONFIDENTIAL MINUTES**
RESOLVED – that the Confidential Minutes of proceedings of the Ordinary Meeting of 14 October 2022 be confirmed.
- 83. CONFIDENTIAL REPORTS OF THE CHIEF FIRE OFFICER**
- 83.1 Firefighters Pay Claim 2022**
Members received details on the latest position in relation to the ongoing Pay Claim and Business Continuity Arrangements.
- 83.2 Health & Safety Executive – Accident Investigation Outcome**
The CFO provided Members with an update on the outcome of the Accident Investigation.

COUNCILLOR PAUL KIRTON
CHAIR