

Norfolk County Council

Record of Individual Cabinet Member Decision

Responsible Cabinet Member: Cllr Jane James (Cabinet Member for Corporate Services & Innovation)

Background and Purpose:

The proposal for the compulsory purchase of land relates to the scheme known as Heartsease Fiveways Roundabout Junction which is a highway improvement scheme ("the Scheme") for which there is an opportunity to fund through the Department for Transport (DfT's) Transforming Cities Fund (TCF). The Scheme will improve an area which has inadequate provision for pedestrians and cycles and a high road traffic collision record.

Due to the existing roundabout geometry, motorised traffic often moves through the junction at speed, which causes hesitancy in other motorists and makes the roundabout difficult to negotiate for those choosing to walk and cycle. The roundabout also has a poor safety record with 33 recorded accidents occurring between July 2011 and November 2022, of which 15 involved cycling casualties and 8 involved pedestrian casualties.

A public consultation on the improvement scheme was undertaken between 24th November 2022 and 3rd January 2023. The Cabinet Member for Highways, Infrastructure and Transport approved the proposals for implementation on 29th June 2023. This decision was called in to Scrutiny Committee on 19th July 2023. Scrutiny Committee resolved to "note the call-in but take no further action and suggest that the Cabinet Member reviews the Terms of Reference of Transport for Norwich Advisory Committee".

Decision:

Is it a key decision? No

Is it subject to call-in? Yes

If Yes – the deadline for call-in is: 4pm, Friday 29 September 2023

Impact of the Decision: Please see attached decision making report.

Evidence and reason for the decision: Please see attached decision making report.

Alternative options considered and rejected: Please see attached decision making report.

Financial, Resource or other implications considered: Please see attached decision making report.

Record of any conflict of interest: None

Background documents: None

Date of Decision: 1/9/23

Publication Date of Decision: 22/9/23

Signed by Cabinet Member:

I confirm that I have made the decision set out above, for the reasons also set out.

Signed: Cllr Jane James

Print name: Cllr Jane James

Date: 1/9/23

Accompanying documents:

- Decision Making Report

Once you have completed your internal department clearance process and obtained agreement of the Cabinet Member, send your completed decision notice together with the report and green form to committees@norfolk.gov.uk

Individual Cabinet Member Decision Report

Item No:

Report Title: Compulsory Purchase Order for the Norwich Heartsease Fiveways Roundabout Junction Improvement Scheme

Date of Meeting: N/A

Responsible Cabinet Member: Cllr Jane James (Cabinet Member for Corporate Services and Innovation)

Consulted Cabinet Member: Cllr Graham Plant (Cabinet Member for Highways, Infrastructure and Transport)

Responsible Director: Grahame Bygrave (Interim Executive Director for Community & Environmental Services)

Is this a Key Decision? No

If this is a Key Decision, date added to the Forward Plan of Key Decisions: n/a

Executive Summary / Introduction from Cabinet Member

In order to implement the proposals for the Heartsease Fiveways Roundabout Junction improvement scheme, it is necessary to acquire three areas of land adjacent to the public highway. Two of these areas of land are currently unregistered with the third smallest area of land being registered. Correspondence with the two proprietors of the adjacent land titles has been attempted but to date it has not been possible to establish legal ownership of the unregistered land. However, if land ownership of the unregistered land is legally established by a third party/parties this land will be acquired by agreement where practicable. We have made attempts and will continue to endeavour to purchase the small area of registered land by agreement if possible.

In order to meet the time constraints to take advantage of the funding opportunity from the Transforming Cities Fund and protect the Council from risk it is intended that a Compulsory Purchase Order process will run in parallel to any further negotiations that may be required. It is necessary to acquire this land in order to provide the required facilities to highway users to adequate standards which includes

the provision of carriageway alongside facilities for pedestrians and cycles. A CPO Plan is included in Appendix A and detailed engineering drawings can be found in Appendices B1 and B2. Exempt information is included as Appendix D.

Recommendations:

- 1. To authorise the making, confirmation and implementation of a Compulsory Purchase Order (CPO) pursuant to the powers set out in section 239 of the Highways Act 1980 and the Acquisition of Land Act 1981 and all other enabling powers to compulsorily acquire the area of land (“the CPO Land”) shown shaded pink and edged red on the plan attached to the report to facilitate the Heartsease Fiveways Roundabout Junction improvement scheme;**
- 2. To delegate authority to the Executive Director of Community and Environmental Services (or the appointed interim where there is no permanent appointee to the role) to:**
 - A. determine the form and contents of the CPO and the statement of reasons accompanying the CPO and to finalise the same.**
 - B. take all necessary steps to secure the making, confirmation and implementation of the CPO including the publication and service of all statutory notices on relevant parties, the investigation of and response to objections (including the negotiation and completion of any necessary agreement and undertaking in order to secure the removal of objections to the CPO), the presentation of the case at any public inquiry or via written representations and all other associated procedural steps**
 - C. take all appropriate actions for making amendments, modifications and deletions to the CPO and plan including updates and corrections to the draft as necessary to finalise and secure confirmation of the CPO.**
 - D. acquire the CPO Land whether by voluntary agreement or compulsorily using the statutory powers section 239 of the Highways Act 1980 and Acquisition of Land Act 1981**
 - E. issue and serve any warrants to obtain possession of the CPO Land once acquired following execution of a General Vesting Declaration or service of a Notice of Entry if it is necessary to obtain vacant possession.**
 - F. suspend or abandon the CPO proceedings or withdraw the CPO in relation to all or part of the CPO land.**
 - G. take necessary action to deal with all matters relating to the payment of statutory compensation including, where required, instituting or defending proceedings.**
 - H. take all other necessary action to give effect to these recommendations.**

1. Background and Purpose

- 1.1 The proposal for the compulsory purchase of land relates to the scheme known as Heartsease Fiveways Roundabout Junction which is a highway improvement scheme (“the Scheme”) for which there is an opportunity to fund through the Department for Transport (DfT’s) Transforming Cities Fund (TCF). The Scheme will improve an area which has inadequate provision for pedestrians and cycles and a high road traffic collision record.
- 1.2 The Heartsease Fiveways Junction is located on the eastern side of the Norwich outer ring road (please refer to Appendix C for its’ location). The junction is a 5-arm roundabout which suffers from congestion, especially at peak times. There is a signalised crossing on two of the five arms and no other designated crossing facilities. The area is well served by buses and there are a number of shops in the immediate vicinity of the junction. There is a residential area surrounding the junction which includes several schools, a library and a doctor’s surgery.
- 1.3 Due to the existing roundabout geometry, motorised traffic often moves through the junction at speed, which causes hesitancy in other motorists and makes the roundabout difficult to negotiate for those choosing to walk and cycle. The roundabout also has a poor safety record with 33 recorded accidents occurring between July 2011 and November 2022, of which 15 involved cycling casualties and 8 involved pedestrian casualties.
- 1.4 A public consultation on the improvement scheme was undertaken between 24th November 2022 and 3rd January 2023. The Cabinet Member for Highways, Infrastructure and Transport approved the proposals for implementation on 29th June 2023. This decision was called in to Scrutiny Committee on 19th July 2023. Scrutiny Committee resolved to “note the call-in but take no further action and suggest that the Cabinet Member reviews the Terms of Reference of Transport for Norwich Advisory Committee”.

2. Proposal

- 2.1 The scheme is for improvement of an existing highway as shown in the engineering drawings provided in Appendices B1 and B2. On Appendix B1 the area of proposed land acquisition is immediately adjacent to an area which is currently public highway and both areas of affected land are adjacent to buildings currently or recently used for business purposes and have been used for motorised vehicles parking. It is intended that the land to be acquired will all become public highway maintainable at public expense. Appendix B2 shows additional land proposed for acquisition on the eastern side of the roundabout. The additional land will be acquired under voluntary purchase. The heads of terms are agreed and being passed over to legal for completion of purchase.

- 2.2 Due to the constrained nature of the site and the objective of providing safer facilities for walking and cycling it has not been possible to design a scheme without impacting on land adjacent to the highway. The proposed scheme requires the acquisition of two areas of unregistered land and one small area of registered land which are located on either side of the southern arm of the junction. It is recommended that a CPO process be undertaken to secure the land necessary for the delivery of the scheme. Please refer to Appendix A to view the Compulsory Purchase Order plan.

3. Impact of the Proposal

- 3.1 There is currently a wide area of space on the circulatory carriageway of the roundabout which results in lack of clarity to vehicles in relation to their positioning. The proposals amend the geometry of the roundabout and its approaches to align with design guidance (Design Manual for Roads and Bridges document CD116 – Geometric design of roundabouts). There will be one entry lane on each approach to the roundabout and one circulatory lane around the roundabout. Although an overrun area will be provided to accommodate HGV movements around the central island of the roundabout this will be differentiated from the main circulatory carriageway by use of different coloured and textured materials. The single lane design will reduce the likelihood of side swipe collisions and create a physical environment whereby vehicles will need to travel at low speed in order to negotiate the junction. This will help to reduce the current high accident rate in this location, the personal cost of injuries as well as the costs to the Council and other agencies who carry out work associated with road traffic collisions. It will also reduce the disruption experienced on the road network and to highway users when the network is unavailable due to the occurrence of a road traffic accident.
- 3.2 Appendices B1 and B2 show that the area of land to be acquired allows space to be provided for those walking separately to those cycling, in line with the requirements of the DfT's Local Transport Note 1/20 – 'Cycle Infrastructure Design.' Segregated space is beneficial in order to provide high quality routes to encourage people to walk and cycle. Providing segregated routes for pedestrians and cycles can make it easier for people with some protected characteristics, such as those who are partially sighted, to use the area as the likelihood of conflict between vulnerable users on foot and those on cycles is reduced.
- 3.3 Currently there are signalised crossings on two of the five roundabout arms and no other dedicated crossing facilities. The proposed paths will segregate cycles from those walking and these will complement the parallel crossings provided. Parallel crossings comprise a zebra (for pedestrians) with an adjacent parallel area for cycles to use. As with zebra crossings, pedestrians have priority as vehicles should stop to enable any waiting person to cross. The segregation of users on the approaches to the crossings will help to ensure that users

continue to remain segregated from each other whilst using the crossings and that the potential for conflict between users is minimised. The provision of the parallel crossings will make it easier for people walking and cycling to navigate the area and access the adjacent amenities including shops. The design of the crossings as parallel crossings means that peoples' wait time to cross will be minimised as vehicles should stop to allow them to do so (rather than a signalised crossing which requires them to wait until the signals stop the traffic). The crossings are also located close to the roundabout on the desire lines of people wanting to move from one arm to another.

- 3.4 Cycles are currently required to use the carriageway, mixing with general traffic. The new provision will provide a safer alternative for cycles who will be able to travel segregated from general traffic. This is a particular benefit for more vulnerable cyclists such as children.
- 3.5 The acquisition of land in the area between St William's Way and Harvey Lane will enable the proposed segregated cycle track to tie into an existing cycle lane on St William's Way which was constructed using Active Travel Funding. This will provide a high quality and continuous route which is important to make cycle routes convenient in order to encourage people to choose to cycle.
- 3.6 The scheme is currently in Norfolk County Council's highways contractors programme to commence in Autumn 2023. Provisional Advance Authorisation (PAA) is in place to secure access to the highway network for the purposes of constructing the scheme. Disruption will be kept to a minimum during the works and conversations have been had and will continue to be had with adjoining landowners in an effort to minimise any disruptions to them.
- 3.7 There are UKPN and BT assets within areas 1 and 3 which are to be compulsorily acquired. No disturbance or interference with these assets is proposed as part of the scheme. In addition, since the land will be dedicated as highway these statutory undertakers will have ability to maintain their apparatus.

4. Evidence and Reasons for Decision

- 4.1 As detailed above the CPO Land is required to facilitate the Scheme.
- 4.2 The Scheme will improve accessibility and safety for pedestrians and cycles using the junction in line with the aims of the TCF. The proposals include new pedestrian and cycle crossings and footway improvements and the layout has been agreed with Active Travel England (ATE) which review and agree the design of schemes on behalf of the DfT. The proposals have been developed in line with the design guidance 'Local Transport Note 1/20 - Cycle Infrastructure Design' published by the DfT in 2020 which requires the segregation of pedestrians and cycles wherever possible.

- 4.3 Contact has been made with the proprietors of land immediately adjacent to the unregistered land subject to acquisition; one of which is also the owner of the registered land. Both adjacent landowners have indicated that they consider the unregistered plots to be part of the land in their ownership although it is not currently shown as such on their title plans and no evidence of legal ownership has been provided. We are awaiting further information and evidence from them on this matter but intend to continue to engage with them to try and mitigate any potential adverse effects (for example, ensuring that access for business deliveries and a cellar is incorporated into the proposed design for the Heartsease pub).
- 4.4 If any of the unregistered land is legally established by a third party/parties this will be acquired by agreement where practicable. To try and establish ownership of the unregistered land enquiries have been made with the adjoining landowners as detailed above and the Council published and erected notices on site in May requesting further information. At present it is not possible to agree a voluntary sale as the adjacent landowners have not been able to provide evidence that they have the power of sale. Enquiries have been made in relation to the voluntary purchase of the registered plot 2 where a power of sale is present. However, in order to meet the time constraints of the TCF funding and protect the Council from risk it is intended that a Compulsory Purchase Order is promoted and made in parallel to negotiations regarding the registered land and any that may be possible once ownership is established.
- 4.5 The scheme has been proven to be in the public interest as detailed above, in that it will improve facilities for local people walking and cycling and reduce road traffic collisions in an area that has a poor safety record and very limited crossing facilities. The scheme will make it easier for pedestrians and cycles to use the area, particularly vulnerable users, and ensure that the junction is designed to current standards. The improvements proposed will make it easier for people on foot or cycle to access *all* local businesses, benefiting many, rather than the few who are able to and choose to drive to a small number of specific businesses the area. The scheme also aligns with the wider aims of government policy, to encourage people to adopt more active lifestyles, which benefits not only individuals, but society as a whole.
- 4.6 It is considered that the safety and accessibility benefits for members of public using the junction outweigh any loss of a small amount of land used for parking to serve private business. All areas with potential to park at the front of the Heartsease pub will be removed but the pub still has several parking spaces within the nearby supermarket's car park assigned to them. There is level access from these spaces to the pub. At the former Lloyds Bank site, the existing disabled parking space on their registered land (which is not to be acquired) will remain and will not be affected by this Scheme. The other existing car parking spaces on the unregistered land at the front of the former Lloyds Bank site will be removed. However, it is possible there will still be sufficient space for 2 vehicles to be parked on the registered land (which is not to be acquired). This is in addition to on-street parking which is currently

available approximately 60 metres from the former Lloyds bank site. The relevant tests in the CPO guidance are considered to have been met.

- 4.7 The proposed scheme aligns with Norfolk County Council's 'Better Together, for Norfolk' strategy for 2021-25, enabling people to lead healthy, fulfilling and independent lives, develop strong, engaged and inclusive communities and a greener, more resilient future. The proposed scheme will help to provide sustainable infrastructure and encourage behaviour change as people choose active modes of travel.
- 4.8 Norfolk's Local Transport Plan (LTP) covers the period 2021-2036 and the scheme proposed at Heartsease Fiveways junction helps to meet policies within the plan, including:
- Policy 2 – The priority for reducing emissions will be to support a shift to more sustainable modes and more efficient vehicles, including lower carbon technology and cleaner fuels; this includes the facilitation of necessary infrastructure;
 - Policy 4 – We will work with people to shape the way they travel, why they are travelling and whether they need to travel, encouraging behaviour change and interventions that can help to increase the use of sustainable transport;
 - Policy 9 – Our priority for improved connectivity will be that the network is used by clean transport modes;
 - Policy 15 – We will identify routes important for sustainable and active transport and give priority – especially in urban areas – to sustainable and active modes of transport;
 - Policy 17 – Using the safe systems approach, the county council and road safety partners will work together to contribute to a reduction in the number of people killed and seriously injured on the road network.
- 4.9 Norfolk County Council's Environmental Policy sets out the aim of achieving net zero carbon emissions by 2030. The scheme proposed will improve the infrastructure to help enable people to choose to walk or cycle and reduce emissions from private motor vehicles.
- 4.10 The proposal also aligns with the Government's Cycling and Walking Policy for England ('Gear Change – A bold vision for cycling and walking (July 2020)) which aims to see half of all journeys in towns and cities cycled or walked. The guidance sets out how changes to infrastructure need to be made in order to encourage people to walk or cycle rather than use a private motor vehicle.

5. Alternative Options

- 5.1 Several design options were investigated during initial optioneering and the DfT's Early Assessment and Sifting Tool (EAST) was used to prioritise the options for further development. Options were ranked based on a series of strategic, economic, policy and financial criteria. A 'Dutch' style roundabout and a cyclops option were both analysed.

- 5.2 A 'Dutch' style roundabout is a new innovative type of roundabout which prioritises those walking and cycling and requires a distinct change in driver behaviour when using the roundabout. This option required third party land to be acquired. This design was not progressed because traffic modelling predicted a much more significant increase in general traffic and bus journey times than the option now proposed. The Dutch style roundabout was expected to generate a level of congestion on the outer ring road which was considered unacceptable.
- 5.3 A cyclops option would convert the junction to a signalised junction and would have required the closure of Harvey Lane to general traffic. This design was discounted as it would not have been complementary to the existing nearby supermarket entrance and exit arrangements, would potentially result in some of the residential roads off Harvey Lane being used as rat runs and would impact local highway network resilience.
- 5.4 The proposed option has been agreed with Active Travel England who work with Local Authorities on behalf of the DfT to ensure that the funding provided by the DfT is being spent on designs that are in accordance with government guidelines.
- 5.5 A 'do nothing' option is not being considered as there are a number of problems with the current arrangements which have been explained earlier in this report, namely the poor accident record, lack of pedestrian and cyclist facilities and poor geometry of the roundabout.

6. Financial Implications

- 6.1 The costs associated with the CPO including legal costs, the promotion of orders and any costs that may be incurred associated with land and compensation will be covered by the allocated funding from the TCF.
- 6.2 The Cabinet Member will consider the Exempt Appendix D when making his decision. Appendix D is exempt from publication as it involves the likely disclosure of exempt information as defined in paragraph 11.5 (3) of the Council's Constitution and in accordance with Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The public interest test has been applied and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information at this stage. The information is exempt from the report considered by the Cabinet Member because its' disclosure may prejudice any negotiations regarding compensation for land that may be required should any legal title be proven.
- 6.3 The acquired land shall become public highway and be maintainable at public expense.

7. Resource Implications

- 7.1 **Staff:** The scheme will be designed and delivered using existing resources.
- 7.2 **Property:** The area of proposed acquisition under CPO totals 200.9m² which will become public highway and will be maintainable at the public expense.
- 7.3 **IT:** None.

8. Other Implications

- 8.1.1 **Legal Implications:** Section 239 of the Highways Act 1980 provides a general power to allow a local highway authority to compulsorily acquire land required for the construction of a highway, which is to be maintained at the public expense, or to acquire land for the improvement of a highway. This power is appropriate for the acquisition of the CPO Land, as the Scheme involves the improvement of existing highway with the CPO Land to become part of the existing highway.
- 8.1.2 The land subject to CPO has no special designations (such as consecrated or common land, open space, allotment land, SSSI or conservation area) and there are no ancient monuments or listed buildings in the vicinity.
- 8.1.3 Planning permission is not required for the proposal. However, planning permission is required for a brick wall which is proposed as part of an addition to the scheme but will not be constructed on the CPO land. It is not anticipated that there will be any issues in obtaining this.
- 8.1.4 Traffic Regulation Orders required for the implementation of waiting restrictions and Noticing for any areas of shared pedestrian and cycle use are currently being advertised (25th July 2023 to 22nd August 2023).

8.2 Human Rights Implications:

- 8.2.1 The Council is obliged to act in a way which is compatible with the European Convention on Human Rights. In pursuing the use of CPO powers, the Council has carefully considered the rights set out below, in accordance with the balance which should be struck between individuals and those of the wider public. The Convention Rights relevant to compulsory acquisition are as follows:
- 8.2.2 Article 1 (of the First Protocol) This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws;

- 8.2.3 Article 6 (of the Convention) This entitles those affected by the powers sought in the CPO to a fair and public hearing by an independent and impartial tribunal; and
- 8.2.4 Article 8 (of the Convention) This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of the country.
- 8.2.5 Article 14 (of the Convention) This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.
- 8.2.6 The Council considers that there is a compelling case in the public interest for the acquisition of the CPO Land. As the Order Land is to be become adopted highway any existing pedestrian or cycle users' rights of way will not be negatively affected. The compulsory purchase order is therefore considered to be compatible with the Convention.
- 8.2.7 Those directly affected by the CPO will also be entitled to compensation, which will be payable in accordance with the Compulsory Purchase Compensation Code. This will be assessed on the basis of the market value of the property interest acquired and may include other heads of compensation such as disturbance, severance, injurious affection and statutory loss payment where applicable. The reasonable surveying and legal fees incurred by those affected will also be paid by the Council. The Compulsory Purchase Code has been held to be compliant with Articles 8 and Article 1 of the First Protocol.8.3

Equality Impact Assessment (EqIA) (this must be included):

- 8.3.1 There is an Equality Impact Assessment (EqIA) for the scheme and this continues to be developed alongside detailed design proposals to mitigate identified negative impacts on people with protected characteristics.
- 8.3.2 The EqIA notes that the proposal is likely to have a positive impact on people with protected characteristics particular to disabled people, elderly people, pregnant people and children and there is the potential for negative impacts for areas proposed as shared cycle and pedestrian path for those with visual impairment. As a result of this feedback, we are attempting to purchase additional land which would enable an area originally proposed as shared use to provide segregated facilities. Additionally, the cycle path surfaces will be embedded with red coloured gravel which will help to provide a visual contract to the adjacent footpath. The placement of the correct type of tactile paving will be considered during the detailed design stage and there will also be a raised central delineation strip between the pedestrian and cycle provision.

- 8.3.3 The areas of proposed shared use path are outside the areas of proposed land acquisition. Where shared use paths are proposed these are in accordance with minimum widths stated in design guidance wherever possible.
- 8.3.4 As part of this scheme it is proposed to improve signage for alternative cycle routes using nearby residential streets. This may suit some cyclists and will minimise the numbers of cyclists who will be using shared use facilities where other routes, more desirable to them, are promoted to them.
- 8.3.5 The positive impacts are associated with the provision of crossings where there are none which provide priority to the most vulnerable road users and are situated on desire lines to minimise journey length for those with restricted mobility.
- 8.3.6 A public consultation was carried out on the scheme during November 2022 – January 2023 and the online survey included the option for people to say whether they identified as disabled or not. A ‘free text’ area was also provided and the comments received have been reviewed and incorporated into the detailed design as detailed in item 8.3.2.
- 8.3.7 It is considered the Order to be compatible with the Public-Sector Equality Duty and will not have a significant negative impact upon protected groups.
- 8.3.8 The adjacent landowners are companies and it is not believed that any protected characteristics are relevant to them. However, it is recognised that the Public Sector Equality Duty is a continuing duty, and it will continue to be considered and applied to potential interested parties and any parties that are established as having an interest in land affected by the CPO.

8.4 Data Protection Impact Assessments (DPIA):

As part of the scheme delivery process all personal data has and will continue to be removed from any reports being put into the public domain. Personal data has been stored as per NCC standards to allow further correspondence as part of the development of the scheme.

8.5 Health and Safety implications (where appropriate):

The proposed scheme has been designed to improve the safety of highway users and help improve and reduce the existing high accident rate at this junction. A road safety audit has been carried out and recommendations have been incorporated into the design.

8.6 Sustainability implications (where appropriate):

The objectives of this scheme are targeted at improving the impact transport has on carbon emissions, air quality and public health. These proposals will improve the infrastructure that will make it easier for people to choose to walk and cycle.

8.7 Any Other Implications:

Officers have considered all the implications which members should be aware of and these are included in the report.

9. Risk Implications / Assessment

- 9.1 A risk register is maintained for the TCF programme as part of the technical design and construction delivery processes.
- 9.2 There is a risk that any delay to the CPO process could impact on the ability to utilise the funding within the constraints of the TCF and therefore deliver an improvement scheme at this location.

10. Select Committee Comments

10.1 N/A

11. Comments from Consultation with Councillor Plant

- 11.1 Councillor Plant approved the proposals for implementation on 29th June 2023. This decision was called in to Scrutiny Committee on 19th July 2023. Scrutiny Committee resolved to “note the call-in but take no further action and suggest that the Cabinet Member reviews the Terms of Reference of Transport for Norwich Advisory Committee.” Councillor Plant noted that the areas of land identified for CPO will enable improved facilities to be provided for pedestrians and cyclists that would be beneficial to the overall aims of the highway improvement scheme.

12. Recommendations

- 1. To authorise the making, confirmation and implementation of a Compulsory Purchase Order (CPO) pursuant to the powers set out in section 239 of the Highways Act 1980 and the Acquisition of Land Act 1981 and all other enabling powers to compulsorily acquire the area of land (“the CPO Land”) shown shaded pink and edged red on the plan attached to the report to facilitate the Heartsease Fiveways Roundabout Junction improvement scheme;**
- 2. To delegate authority to the Executive Director of Community and Environmental Services (or the appointed interim where there is no permanent appointee to the role) to:**
 - a. determine the form and contents of the CPO and the statement of reasons accompanying the CPO and to finalise the same**

- b. take all necessary steps to secure the making, confirmation and implementation of the CPO including the publication and service of all statutory notices on relevant parties, the investigation of and response to objections (including the negotiation and completion of any necessary agreement and undertaking in order to secure the removal of objections to the CPO), the presentation of the case at any public inquiry or via written representations and all other associated procedural steps
- c. take all appropriate actions for making amendments, modifications and deletions to the CPO and plan including updates and corrections to the draft as necessary to finalise and secure confirmation of the CPO.
- d. acquire the CPO Land whether by voluntary agreement or compulsorily using the statutory powers section 239 of the Highways Act 1980 and Acquisition of Land Act 1981
- e. issue and serve any warrants to obtain possession of the CPO Land once acquired following execution of a General Vesting Declaration or service of a Notice of Entry if it is necessary to obtain vacant possession.
- f. suspend or abandon the CPO proceedings or withdraw the CPO in relation to all or part of the CPO land.
- g. take necessary action to deal with all matters relating to the payment of statutory compensation including, where required, instituting or defending proceedings.
- h. take all other necessary action to give effect to these recommendations.

13. Background Papers

13.1 None.

Officer Contact

If you have any questions about matters contained within this paper, please get in touch with:

Officer name: David Allfrey
Telephone no.: 01603 223292
Email: david.allfrey@norfolk.gov.uk



If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.

Appendix A

CPO Plan



INSET - SCALE 1:100 @ A3

© Crown copyright
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2023. Ordnance
Survey 100019340

Land to be Acquired



- Plot 1 - Land to be Acquired - 82m2
- Plot 2 - Land to be Acquired - 2m2
- Plot 3 - Land to be Acquired - 116.9m2

The Common Seal of
The Norfolk County Council
was affixed hereto
in the presence of:

.....

authorised for and on behalf of the Assistant Director
Governance (Legal Services) and this deed has been
duly and properly executed in accordance with the
constitution of The Norfolk County Council

	Initial	Date	
Surveyed by	OS	2023	
Draw by	AW	04/2023	
Checked by	DG	05/2023	

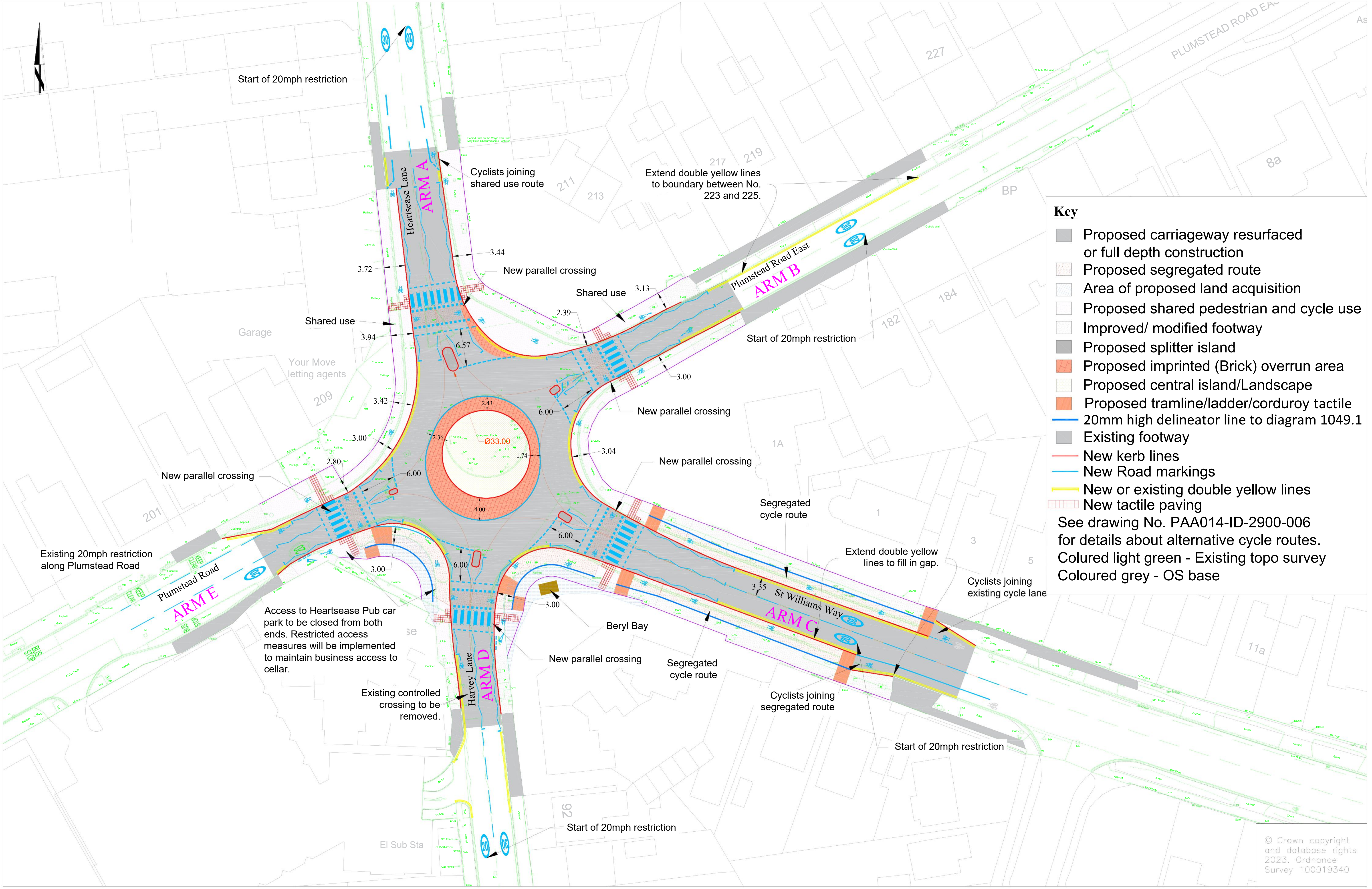
The land to be acquired, which is coloured PINK on this plan,
represents the net amount of land required for the purposes of the
scheme; and any new fence, wall, bank or hedge is to be erected on
the vendors remaining property.

Scale: 1:500 @ A3	Imp. No.
Crown Copyright Reserved	Plan No.: PAA014-ID-6000-001

Appendix B1

Engineering

Plan



Key

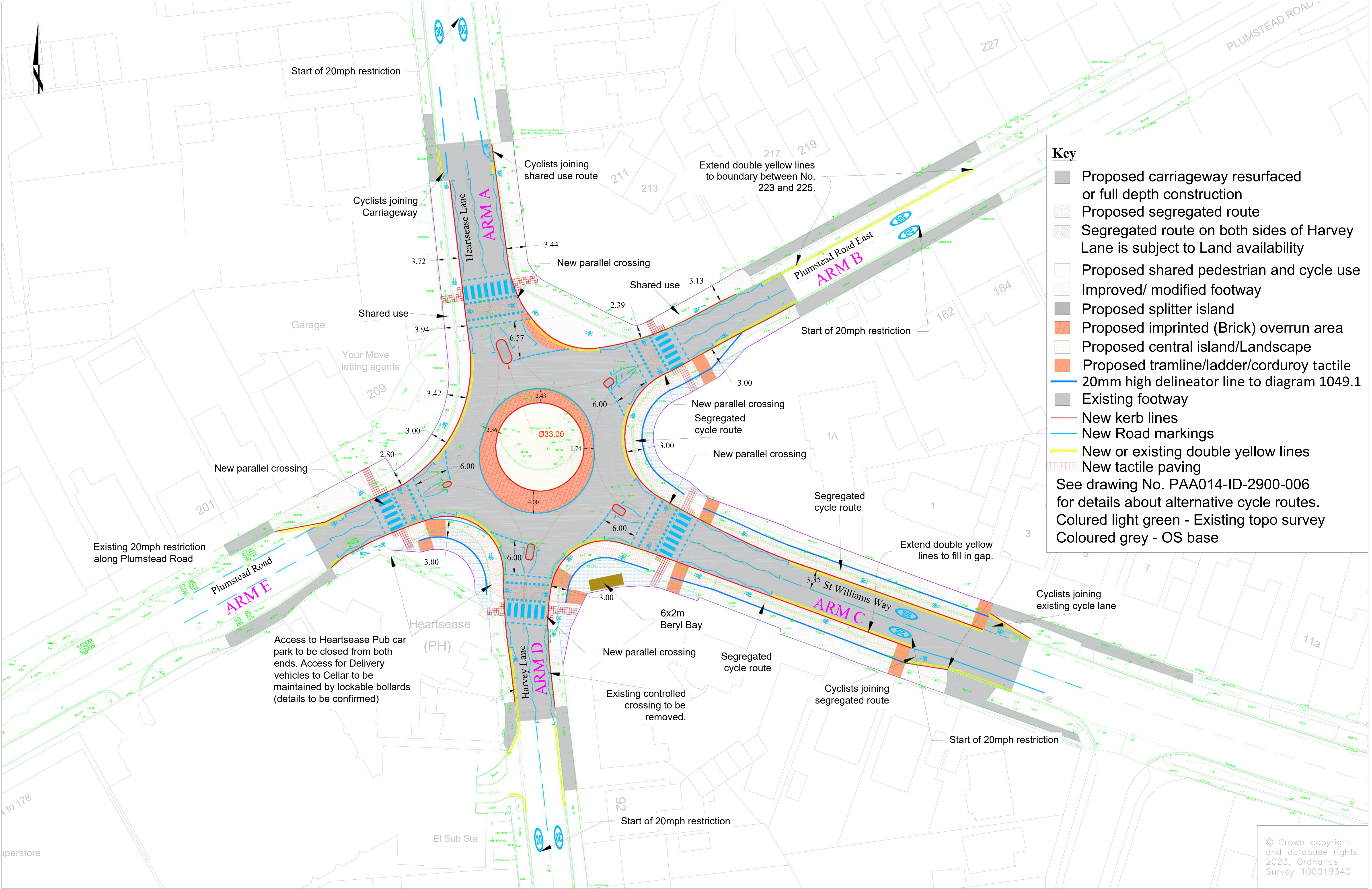
- Proposed carriageway resurfaced or full depth construction
- Proposed segregated route
- Area of proposed land acquisition
- Proposed shared pedestrian and cycle use
- Improved/ modified footway
- Proposed splitter island
- Proposed imprinted (Brick) overrun area
- Proposed central island/Landscape
- Proposed tramline/ladder/corduoy tactile
- 20mm high delineator line to diagram 1049.1
- Existing footway
- New kerb lines
- New Road markings
- New or existing double yellow lines
- New tactile paving

See drawing No. PAA014-ID-2900-006 for details about alternative cycle routes.
Coloured light green - Existing topo survey
Coloured grey - OS base

Appendix B2

Engineering

Plan



Key

- Proposed carriageway resurfaced or full depth construction
- Proposed segregated route
- Segregated route on both sides of Harvey Lane is subject to Land availability
- Proposed shared pedestrian and cycle use
- Improved/ modified footway
- Proposed splitter island
- Proposed imprinted (Brick) overrun area
- Proposed central island/Landscape
- Proposed tramline/ladder/corduoy tactile
- 20mm high delineator line to diagram 1049.1
- Existing footway
- New kerb lines
- New Road markings
- New or existing double yellow lines
- New tactile paving

See drawing No. PAA014-ID-2900-006 for details about alternative cycle routes.
Coloured light green - Existing topo survey
Coloured grey - OS base

Funded by:



Tom McCabe
Executive Director of
Community and Environmental Services
Norfolk County Council
County Hall, Martineau Lane
Norwich NR1 2SG

DRAWING TITLE
HEARTSEASE ROUNDABOUT JUNCTION IMPROVEMENT
PROPOSED LAYOUT

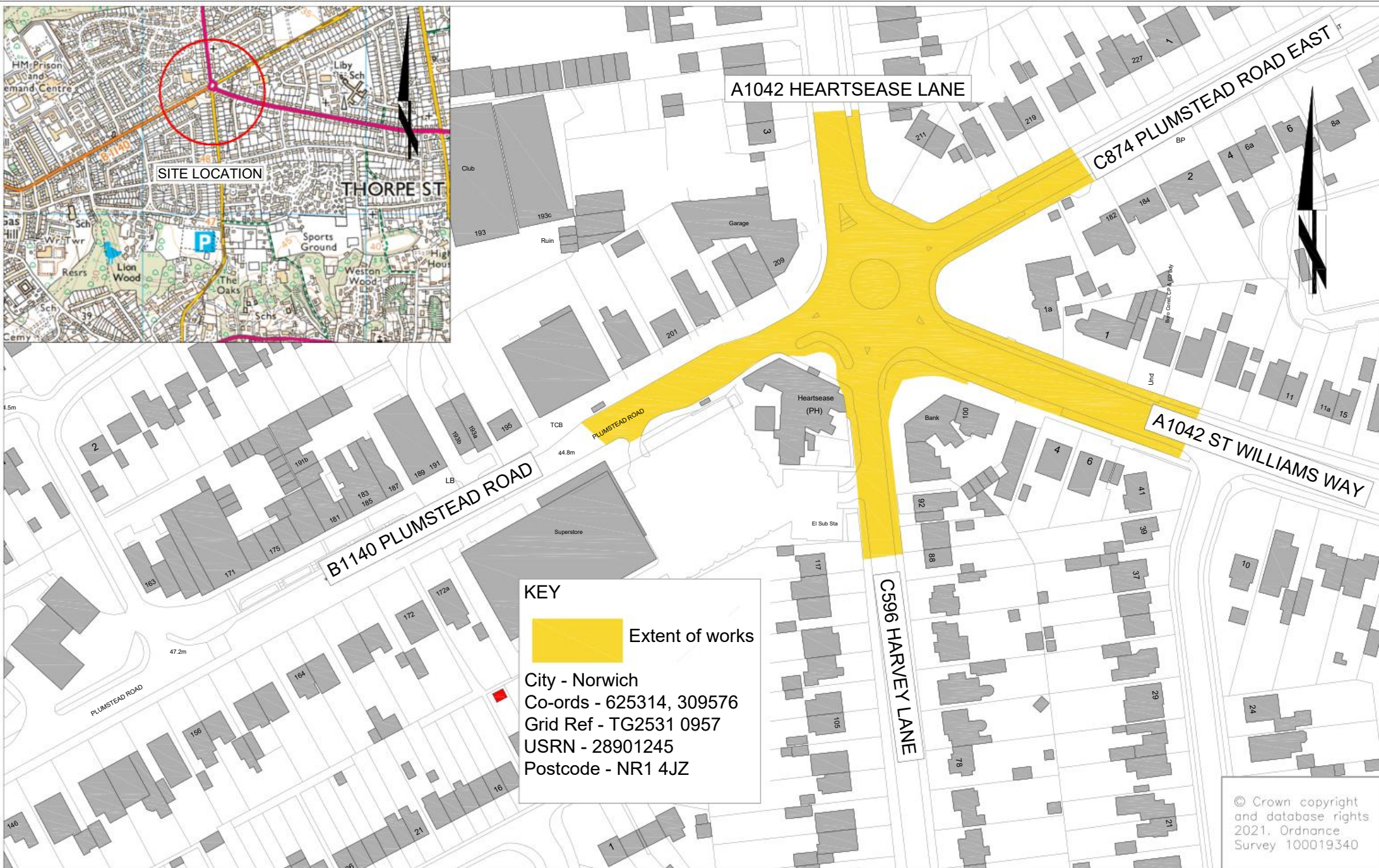
REV.	DESCRIPTION	DRAWN BY	CHECKED	DATE
A	Double yellow lines extended on Plumstead Road East	AW	DG	11/22
B	Updated following RSA1	AW	DG	12/22
C	New Ped/Cyclist segregated path added on both sides of Harvey lane	AW	DG	01/23
D	New Ped/Cyclist segregated path added on east side of Plumstead Rd east	AW	DG	02/23
E	Added 20mph zone	AW	AC	05/23

	INITIALS	DATE	DRAWING No. PAA014-HP-2900-011E
SURVEYED BY	PC	05/21	PROJECT TITLE
DESIGNED BY	AW	06/22	TRANSFORMING CITIES 2
DRAWN BY	AW	12/22	HEARTSEASE ROUNDABOUT JUNCTION IMPROVEMENT
CHECKED BY	DG	12/22	SCALE 1:300 @ A1
			FILE No. PAA014

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Survey 100019340

Appendix C

Site Location Plan



KEY



Extent of works

City - Norwich
Co-ords - 625314, 309576
Grid Ref - TG2531 0957
USRN - 28901245
Postcode - NR1 4JZ

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Survey 100019340



Tom McCabe
Executive Director of
Community and Environmental Services
Norfolk County Council
County Hall, Martineau Lane
Norwich NR1 2SG

DRAWING TITLE
TCF2 Heartsease Fiveways Roundabout
Site Location Plan

REV.	DESCRIPTION	DRAWN BY	CHECKED	DATE

SURVEYED BY	INITIALS	DATE	DRAWING No.
OS	OS	04/2021	PAA014-HD-0100-02
DESIGNED BY	INITIALS	DATE	PROJECT TITLE
JD	JD	04/2021	TCF2 Heartsease Fiveways Junction
DRAWN BY	INITIALS	DATE	SCALE
JD	JD	04/2021	1:1500 @ A4
CHECKED BY	INITIALS	DATE	FILE No.
KEB	KEB	04/2021	PAA014