

**BRISTOL CITY COUNCIL  
CABINET**

**25 MARCH 2010**

**Report of:** Strategic Director – City Development

**Title:** **Ashton Vale to Temple Meads and City Centre Rapid  
Transit - City Centre Compulsory Purchase Orders**  
**Wards:** Cabot, Lawrence Hill, Southville, Bedminster

**Officer Presenting Report:** Bob Fowler, Major Projects Manager  
City Development

**Contact Telephone Number:** (0117) 903 6579

**RECOMMENDATIONS**

1. That, if necessary, Compulsory Purchase proceedings are initiated under the Highways Act 1980 in order to acquire those sites identified in the main body of the report which are considered necessary for the construction and operation of the Rapid Transit scheme.
2. That the Head of Legal Services be authorised to take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Orders including negotiating and entering into agreements or undertakings with land owners setting out terms for the withdrawal of any objections to the order prior to its confirmation, including where appropriate seeking exclusion of land from the order and/or making arrangement for relocation of occupiers and payment of compensation.

**Summary**

Two areas of land identified as being in private ownership on the city centre section of the rapid transit route are considered necessary for the construction and operation of the scheme. They are on Rupert Street and at Temple Circus and are detailed in the report. The city centre section is outside the scope of the application for a Transport & Works Act Order which applies to the rest of the route. Should negotiations with the owners be unsuccessful then the only way to acquire these sites is through the use of Compulsory Purchase.

**The significant issues in the report are:**

- The context of and need for CPO powers (6)
- The land required and timescale (7)

## **Policy**

### **1. Council Policy**

#### **Ambitious Together:**

Rapid transit will provide an effective transport system offering an alternative to car use, reducing congestion and supporting the city's dynamic and growing economy. It supports the green capital initiative by promoting public transport and use of environmentally friendly vehicles.

#### **Making a Difference:**

Rapid transit will improve accessibility to services, jobs and facilities.

#### **Safer and Healthier:**

Rapid transit encourages use of public transport but also provides parallel walking and cycling facilities which will encourage healthier lifestyles. Reduced congestion will improve air quality.

#### **Better Neighbourhoods:**

Reduced congestion will improve the quality of life. The scheme is an opportunity to improve associated the public realm.

### **2. Council Priorities**

One of the top 15 priorities of the Council is “to improve local transport and tackle congestion”.

### **3. Joint Local Transport Plan Objectives**

#### **Tackle congestion:**

Rapid transit will provide an effective transport system offering an alternative to car use and encourage more sustainable patterns of travel.

#### **Improve road safety for all road users:**

Rapid transit will provide a safer transport system for passengers and a segregated facility for walking and cycling.

#### **Improve air quality:**

Rapid transit will results in mode shift from car to public transport, contributing to improved air quality.

#### **Improve accessibility:**

Rapid transit improves accessibility by linking destinations in the south west of the sub-region to Bristol City Centre and Temple Meads Station.

#### **Improve quality of life**

Rapid transit contributing towards the enhancement of public spaces and of community safety, healthier communities and achieving balanced and sustainable communities.

## **Consultation**

### **4. Internal**

The following internal sections are directly involved in the development of the scheme (as part of the project team):

- Public Transport and Park & Ride
- Land and Property
- Traffic Management
- Legal
- Engineering Consultancy
- Finance
- Corporate Communications
- Planning
- City Design Group

The following internal sections have been consulted in the development of the scheme:

- Cycle Team
- City Docks
- Major Projects Team e.g. CPZ
- Museums
- Parks and Leisure
- Archaeologist, Ecologist
- Structures
- CREATE Centre
- CYPs – Capital, Assets and School Organisation

## **5. External**

The project has continued to regularly meet with stakeholder groups, statutory consultees and environmental bodies. In addition, working with the Neighbourhood Planning Network, the project has established a Community Involvement Group which includes representatives from resident and user groups which provides an ongoing opportunity for local people to be involved in influencing the details of the proposals. A series of three meetings have been held through September to November to obtain input on the scheme design.

## **6. Context**

The rapid transit scheme is part of a wider package of measures proposed by the current Joint Local Transport Plan. It has been identified for South West regional funding since 2006 and is the subject of a bid for £43.12 million via a Major Scheme Business Case submitted in March 2009. The bid is currently awaiting Programme Entry approval. Once this is achieved an application for an Order under the Transport & Works Act (TWAo) will be submitted for the section of route between Long Ashton Park and Ride and Prince Street Bridge.

However, a TWAO can only authorise guided transport systems and matters deemed to be ancillary to the guided works. The TWAO will therefore only apply to the section of the scheme from Long Ashton Park and Ride to the north of Prince Street Bridge. The works in the central city area (the on-street anti-clockwise one-way loop) from north of Prince Street Bridge will be secured through the City Council's permitted development powers and by means of Traffic Regulation Orders. It will be necessary for the project to acquire two areas of land in the city centre.

## **7. Proposal**

The two areas of land are;

1. Alongside and to the north of Rupert Street and;
2. On Temple Way, south of Temple Street at Temple Circus.

These are illustrated in Appendix A.

Both areas are currently used by members of the public as part of the public realm.

It will be necessary to acquire part of each of these areas (shown in green on the plans) on a permanent basis and the other part (shown in blue) on a temporary basis for accommodation land to be used during construction of the works.

It is proposed that the City Council will seek to negotiate the acquisition of these sites by agreement, but failing any agreement being reached Compulsory Purchase powers will be used to acquire the land concurrently with the application for TWAO powers being submitted.

The sites will need to have been acquired or Compulsory Purchase Orders made by the date of the TWAO Public Inquiry (if this is deemed necessary by the Secretary of State). This is currently expected to be in the autumn of 2010.

## **8. Other Options Considered: None**

## **9. Risk Assessment**

The main risk of not agreeing to this course of action is as follows:-

The arrangements for rapid transit, public transport, general traffic and other users, including pedestrians and cyclists on Rupert Street are sub-optimal.

The rapid transit stop arrangements at Temple Circus are sub-optimal.

The main risks of agreeing to this course of action are as follows:-

None.

The action taken to mitigate these risks is:-

N/A

## **10. Equalities Impact Assessment**

An Equalities Impact Assessment screening has been completed. The project has taken in to consideration issues raised particularly in relation to accessibility requirements for rapid transit infrastructure and services.

## **11. Environmental Impact Assessment**

An Eco Impact Assessment has been completed and is attached as Appendix B

An Environmental Statement, which documents a full Environmental Impact Assessment undertaken on the scheme, will be submitted as part of the TWAO.

## **Legal and Resource Implications**

### **Legal**

The proposal is to acquire land to facilitate the provision of a rapid transit system within the Bristol City council administrative area. The acquisition of land for this purpose will be pursuant to the relevant sections of the Highways Act 1980.

The Human Rights Act 1998 incorporates into domestic law the European Convention on Human Rights (ECHR). The aim of the ECHR is to protect the rights of the individual. In considering the making of a CPO regard has to be had to the convention rights including –

Article 8 : The right to protect private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with law and is necessary in the interests of national security, public safety and the economic well-being of the country.

Article 1 of the First Protocol of the ECHR protects the rights of everyone to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest and subject to relevant national and international laws.

There is a need to strike a balance between the rights of the individual and the wider interests of the public. However in the light of the significant benefits that will flow for the environment and individual well being promoted by the provision of a rapid transit system it is concluded that the exercise of these CPO powers is appropriate and the making of a CPO for this purpose will not constitute any unlawful interference with property rights.

Once the CPO(s) is/are made the owners have a statutory right of objection and a right to have their objections determined by the Secretary of State. It is anticipated that if there are any objections these will be considered by an Inspector concurrently with any Inquiry that is held in relation to the TWAO that is to be jointly promoted by the City and North Somerset Councils.

In the event that the CPOs are confirmed, any land so acquired will be the subject of compensation, and this will need to be agreed with the owners, or in the event that it cannot be agreed, the level of compensation will be the Lands tribunal. The compensation will be met out of the overall project costs.

***Legal advice given by:*** Joanne Mansfield, Principal Solicitor

**Financial** The Cabinet report seeks approval to proceed with CPOs necessary for the construction and operation of the Rapid Transit Scheme.

The Rapid Transit Scheme is the subject of a bid for £43.12 million via a Major Scheme Business Case submitted to DfT in March 2009. The bid is currently awaiting Programme Entry approval.

If a successful outcome of the CPOs cannot be achieved, the arrangements for rapid transit, public transport, general traffic and other users, including pedestrians and cyclists on Rupert Street and rapid transit stop arrangements at Temple Circus will be sub-optimal.

***Financial advice given by:*** Mike Harding, Finance Business Partner, City Development

**Land** As detailed in the report

**Personnel** There are no Personnel issues arising from this report

**Appendices:** Appendix A - Land plans  
Appendix B - Eco Impact Assessment

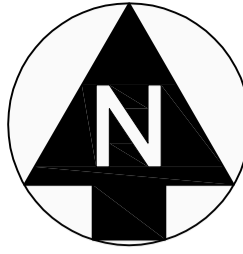
## **ACCESS TO INFORMATION**

### **Background Papers:**

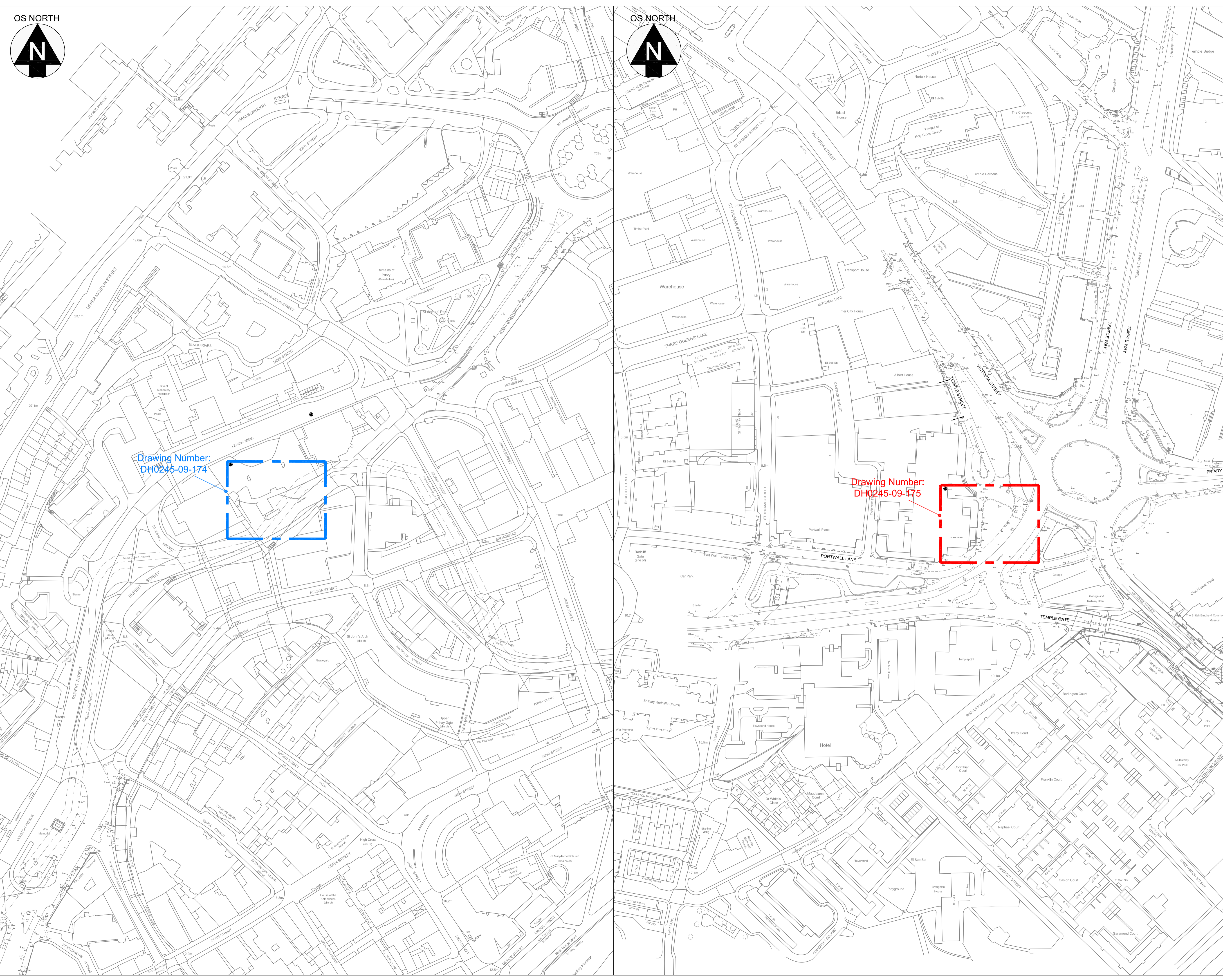
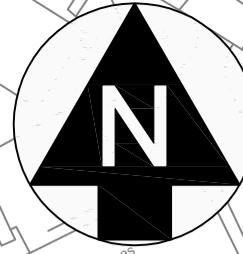
Bristol City Council Cabinet Report 10 December 2009

Bristol City Council Full Council Report 19 January 2010

OS NORTH



OS NORTH

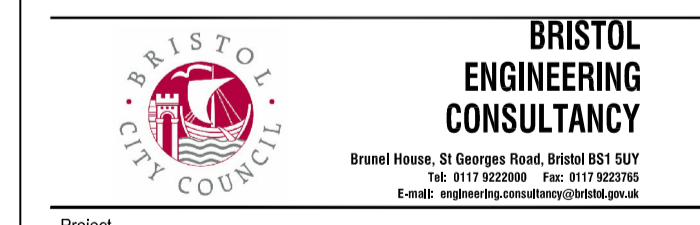


Drawing Number:  
DH0245-09-174

Drawing Number:  
DH0245-09-175

Notes:

Rev	By	Clkd	Appvd	Date	Description



Project  
**WEST OF ENGLAND  
RAPID TRANSIT**

Drawing  
**ASHTON VALE TO TEMPLE MEADS  
AND BRISTOL CITY CENTRE  
LAND PLANS - TEMPLE CIRCUS**

Drawn by: Simon Wanklyn Date: Feb/ 2010  
 Checked by: Mike Buck Date: Feb/ 2010  
 Approved by: Mike Buck Date: Feb/ 2010

Drawing No.	Revision
DH0245-09 - 176	-

Drawing Scale: 1:1250 @ A1, 1:2500 @ A3

Drawing file path & name:  
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Date: 02/20/2010



Rupert Street  
Multistorey  
Car Park

2






2A

1

RUPERT STREET

Notes:

KEY

-  Existing Adoption Line
-  Land Not Adopted
-  Proposed Adoption Line
-  Land Subject to CPO
-  Land temporarily required for construction of the works

PLOT	OWNERSHIP	AREA
1	Bristol City Council - City Development	N/A
2	Land to be Acquired Ownership Unknown	126.40m <sup>2</sup>
2A	Easement Required Ownership Unknown	80.80m <sup>2</sup>

Rev	By	Chkd	Apprvl	Date	Description



Client  
WEST OF ENGLAND  
RAPID TRANSIT

Drawing  
ASHTON VALE TO TEMPLE MEADS  
AND BRISTOL CITY CENTRE  
LAND PLANS - RUPERT STREET

Drawn by: Simon Wanklyn	Date: Feb' 2010
Checked by: Mike Buck	Date: Feb' 2010
Approved by: Mike Buck	Date: Feb' 2010

Drawing No.	Revision
DH0245-09 - 174	-

Drawing Scale: 1:100 @ A1, 1:200 @ A3\*

User and Plot Data

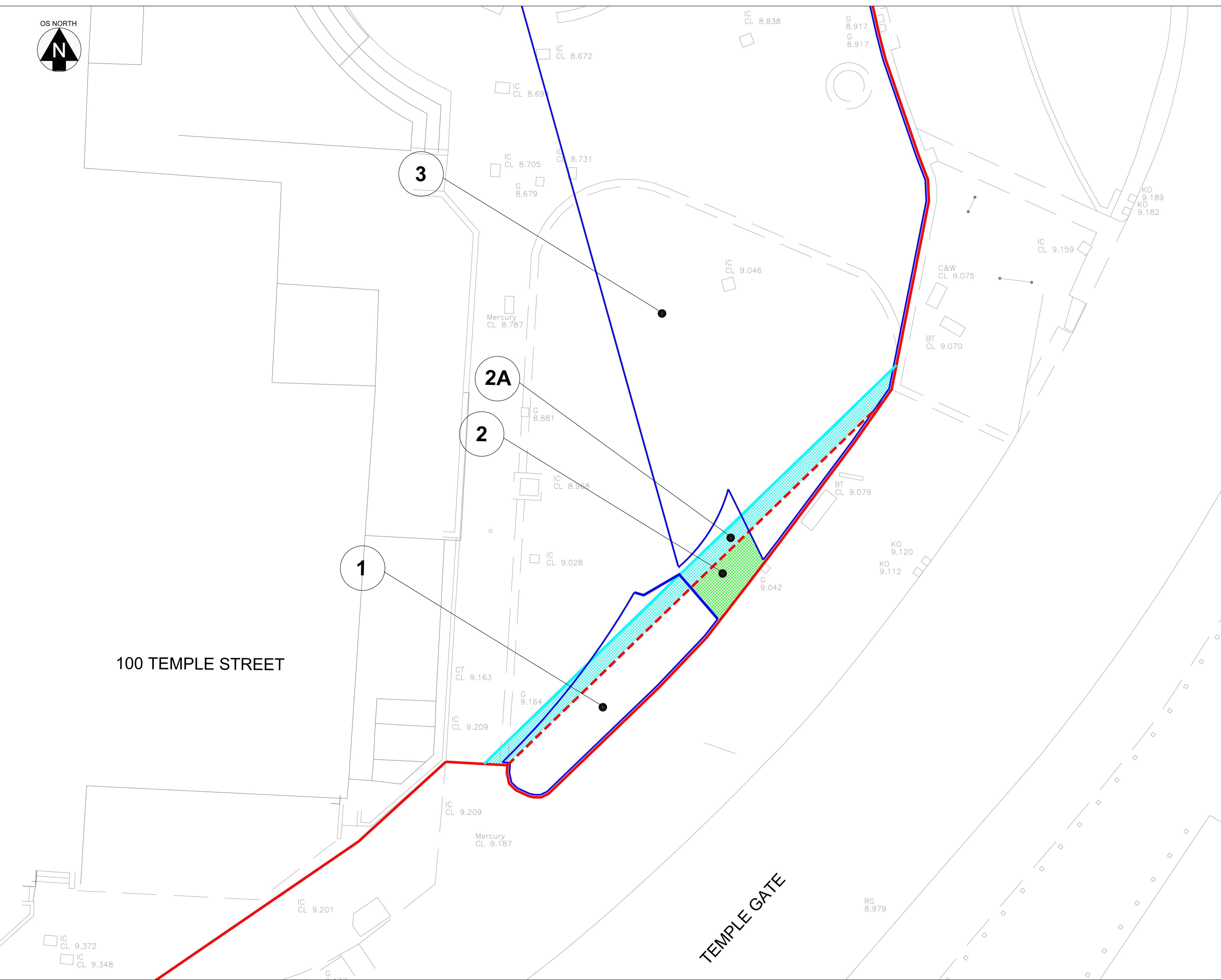




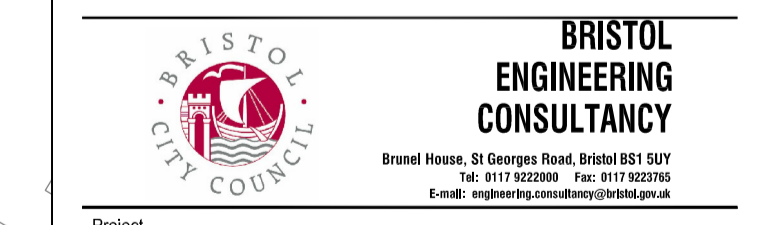
**Notes:**

- KEY**
- Existing Adoption Line
  - Land Not Adopted
  - - - Proposed Adoption Line
  - Land Subject to CPO
  - Land temporarily required for construction of the works

PLOT	OWNERSHIP	AREA
1	Bristol City Council - City Development	N/A
2	Land to be Acquired Ownership Unknown	10.08m <sup>2</sup>
2A	Easement Required Ownership Unknown	4.89m <sup>2</sup>
3	Bristol City Council - City Development	N/A



Rev	By	Chkd	Appvd	Date	Description



Client  
**WEST OF ENGLAND  
RAPID TRANSIT**

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**ASHTON VALE TO TEMPLE MEADS  
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DH0245-09 - 175	-

Drawing Scale: "1:100 @ A1, 1:200 @ A3"

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## Eco Impact Assessment Checklist

<b>Title of report: Ashton Vale to Temple Meads and City Centre Rapid Transit - City Centre Compulsory Purchase Orders</b>				
<b>Report author:</b> Bob Fowler				
<b>Anticipated date of key decision:</b> 25 <sup>th</sup> March 2010				
<b>Summary of proposals:</b> Recommendation that, if necessary, Compulsory Purchase proceedings are initiated under the Highways Act 1980 in order to acquire those sites identified in the main body of the report which are considered necessary for the construction and operation of the Rapid Transit scheme.  This Eco-Impact Assessment summarises the resultant environmental impacts of the Ashton Vale to Temple Meads and Bristol City Centre BRT scheme.				
Will the proposal impact on...	Yes/No	+ve or -ve	If yes...	
			Briefly describe impact	Briefly describe Mitigation measures
Emission of Climate Changing Gases?	Yes	- ve	In the short-term, emissions from the use of energy and materials during the physical construction / infrastructure development works.	The construction of the Rapid Transit Scheme should aim to achieve CEEQUAL (Civil Engineering Environmental Quality Assessment) "Very Good" standard as a minimum.
		- ve	Once delivered, Rapid Transit Vehicles will emit climate changing gases during operation.	Energy efficient, low-emission vehicles to be used.
		+ ve	In the long-term, it is anticipated that the Ashton Vale BRT should reduce emissions assuming there will be a modal shift from the private car to public transport.	
Bristol's vulnerability to the effects of climate change?	Yes	- ve	In the long term, the Rapid Transit Scheme may;	
		- ve	- Be at risk of flooding & increase water run-off by creating more impermeable surfaces or removing trees	Full flood risk assessment and inclusion of all flood and water management measures (SUDS) within the scheme. Will require approval of the
		- ve	- Not be robust enough to cope with	

			<p>extreme temperature variations, or violent storms</p> <p>Works required in flood risk area of Ashton Vale fields &amp; Bristol Harbour Railway along Cumberland Road (adjacent to the tidal River Avon New Cut)</p>	<p>Environment Agency.</p> <p>Sites will be screened by Planning Officers to identify the appropriate mitigation in relation to any impacts identified and determine whether an Environmental Impact Assessment is required.</p>
Consumption of non-renewable resources?	Yes	<p>- ve</p> <p>+ ve</p>	<p>In the short-term, there will be a requirement for fossil fuels and other non-renewable materials &amp; products for the construction of infrastructure &amp; vehicle provision.</p> <p>In the long term, it is anticipated that the modal shift from the private car to public transport should reduce the consumption of fossil fuels, although this is not quantifiable at this stage.</p>	<p>Consider environmental performance of design and materials.</p> <p>The environmental performance of the construction contractor, including accreditation to ISO14001 will be considered during the tendering process.</p>
Production, recycling or disposal of waste	Yes	-ve	In the short term, waste will arise from demolition & construction works.	Construction contractors will be legally obliged to prepare site waste management plans for projects over £300k, which detail how waste will be minimised, and recycling promoted.

The appearance of the city?	Yes	+/-ve	The construction of the BRT infrastructure will impact on the appearance of the city	A Full Environmental Impact Assessment of all effects and appropriate landscape mitigation should be included in the scheme in consultation with BCC Urban Design team.
		- ve	Works in designated greenbelt at Ashton Fields	
		- ve	General concern about the impact of engineering on character of the areas along the route.	The identification of opportunities for street scene improvements in areas adjoining the scheme.
				The retention of vegetation and mitigation planting where appropriate
				Established design principles set in the Design Guide. Approach is to ensure scheme is in character with local context
		- ve	Works required to three Grade II listed structures - Prince Street Bridge, Vauxhall Bridge and Ashton Avenue Bridge	Agreeing all works to listed structures with English Heritage & sensitive treatment in line with character of the structure and local area.
Pollution to land, water, or air?	Yes	+ ve	An improved sustainable transport system should reduce the level of traffic on Bristol's roads and therefore local air pollutants such as PM10 and NOx	
		- ve	Demolition & construction works may cause accidental pollution to land.	Contractors performance in this area will be considered during the tendering process.
		- ve	Demolition & construction works may cause accidental contamination of local watercourses and	In addition, the chosen contractor(s) must work in accordance with guidance issued in all relevant Environment

		- ve	surface water drains. Demolition & construction works may produce increased emissions & dust.	Agency Pollution Prevention Guidelines (PPGs).
		- ve	Noise will be created during construction works & upon completion.	Contractors to use best practicable means to control noise
		- ve	Potential noise & visual intrusion to the properties at Ashton Vale	Provision of noise barriers and landscape works to reduce their impact at Ashton Fields.
		- ve	Light pollution may cause a nuisance to nearby residents.	Low level lighting & cut off lighting to be installed.
Wildlife and habitats?	Yes	- ve	The creation of new infrastructure / developments may impact on flora and fauna;	Works to minimise construction phase disturbance and disruption.  Habitat creation/ improvement, creation and repair of habitats and corridors.  Retention of existing vegetation.  Replanting of any vegetation removed during construction
		- ve	Use of land from the Bower Ashton SNCI- local reptile population.  Use of land from Ashton Vale Fields SNCI - local reptile population and species -rich sward. New stop for the CREATE Centre at	Translocation of reptile population to suitable area included within the scheme. Planting of linear scrub/grassland along the corridor and amenity grassland area to the Ashton Bridge. Translocation of reptile population to suitable area included within scheme and suitable planting habitat. Working with the Friends of Avon New

			Butterfly Junction.	Cut to mitigate impacts on Butterfly Junction. Potential to input to help with the management of the site.
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**Consulted with:** Tanya Saker, Celia Beeson & Alex Minshull Sustainable City Group

**Summary of impacts and Mitigation - to go into the main Cabinet/ Council Report**

The BRT should deliver long term environmental benefits for Bristol's carbon footprint and local air quality and these outweigh the short term impacts outlined within the Eco Impact Assessment.

The proposals include the following measures to reduce the impacts ...

- Mitigation to effect the use emissions of climate changing gases.
- The construction of the Rapid Transit Scheme should aim to achieve CEEQUAL (Civil Engineering Environmental Quality Assessment) "Very Good" standard as a minimum
- Mitigation to address Bristol's vulnerability to the effects of Climate Change
- Mitigation to address the use of raw materials for construction & operation of the BRT.
- Energy efficient, low-emission vehicles to be used.
- Mitigation to address changes in the appearance of the city.
- Mitigation to address the risk of land, air, water, noise & light pollution.
- Mitigation to address impact on wildlife & habitats.

The net effects of the proposals are....  
Positive.

<b>Checklist completed by:</b>	
Name:	Bob Fowler / Tanya Saker
Dept.:	CD-Major Projects
Extension:	x36579
Date:	8 <sup>th</sup> March 2010
Verified by Sustainable City Group	Sustainable City Group