



Your Housing Group

**(MARITIME CORRIDOR)
COMPULSORY PURCHASE ORDER
2025**

Proof of Evidence





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Proof of Evidence

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1

INTRODUCTION

WSP

1 INTRODUCTION

1.1 SCOPE OF PROOF

- 1.1.1. I have prepared this Proof of Evidence on behalf of Your Housing Group Limited ("YHG") of Youggle House, 130 Birchwood Boulevard, Birchwood, WA3 7QH. WSP are instructed to prepare this Proof of Evidence in respect of the above-mentioned CPO signed on 12th June 2025 ('the Order') by Sefton Metropolitan Borough Council (the Council) under Section 239 and Section 240 of the Highways Act 1980 and Section 2 of the Acquisition of Land Act 1981.
- 1.1.2. YHG is the freehold owner of various plots of land which the Council are proposing to acquire pursuant to the Order and is therefore a qualifying person for the purposes of section 12(2)(a) of the Acquisition of Land Act 1981.
- 1.1.3. YHG is freehold owner of plots 1, 2, 4, 8, 9, 10, 11, 12, 13 of the CPO. YHG's objection covers all plots referenced.
- 1.1.4. While YHG does not object in principle to the delivery of the Maritime Corridor pedestrian and cycleway, it does have significant concerns and objections to the current design of the scheme which involves the taking of unnecessary land. In addition, there has been a lack of engagement from the Council with those affected and a failure on the part of the Council to consider genuine and viable alternatives to the current proposals. The Council have failed to demonstrate a compelling case in the public interest to justify the making of the CPO.
- 1.1.5. This Proof of Evidence sets out the YHG objections to the Order for your consideration.
- 1.1.6. This Proof outlines clear reasons why the Council have not demonstrated a compelling case in the public interest that the CPO should be approved nor assessed an alternative scheme which has been submitted.
- 1.1.7. The Proof of Evidence is structured as follows;
 - Section 2 provides an overview of YHG's residential scheme;
 - Section 3 sets out the grounds of objection;
 - Section 4 provides an overview of the alternative scheme;
 - Section 5 provides the conclusions.

1.2 QUALIFICATIONS AND EXPERIENCE

- 1.2.1. My name is Doug Hann, and I am a Director at WSP. I hold a Bachelor of Arts Degree in Geography from Jesus College, Oxford University; a Masters in Town Planning from the University of Manchester; and a Masters in Business Management from Manchester Metropolitan University. I am a member of the Royal Town Planning Institute (RTPI). I have over 30 years of experience in planning practice, in both private consultancy and local government having previously worked in policy, regeneration and Development Management at Salford City Council.
- 1.2.2. Both WSP generally and I specifically have considerable experience in providing development planning advice to a varied group of clients with development interests in an equally diverse range of

land uses. I have considerable experience in advising on a range of major residential development proposals.

- 1.2.3. My personal experience relevant to this objection extends to providing advice on residential schemes both at Development Plan Inquiries (and EiPs) and at Planning Inquiries in respect of applications/appeals made under Section 77 and 78 of the Town and Country Planning Act (as amended) 1990.
- 1.2.4. My experience of residential site planning matters is considerable, and I have been involved in significant residential schemes across the country at all stages of the planning process. I have a detailed understanding of national, strategic and development plan policy in respect of land use planning matters. I have previously prepared evidence for CPO proceedings, including for a CPO of land at Chapel Street in Salford, acting for the landowner.
- 1.2.5. I was initially instructed by Your Housing Group in 2021 to consider planning matters pertinent to its development site and have been involved continuously since. I am therefore fully familiar with that site for the purposes of giving evidence at this Inquiry.
- 1.2.6. I am aware that my professional duty is to the Inquiry irrespective of by whom I am instructed and confirm that the evidence I have prepared has been done so in a manner consistent with the Code of Conduct of my profession with due diligence and is truthful, representing my honestly held professional view, irrespective of by whom I am instructed.
- 1.2.7. After exercising due diligence in my inquiries as to relevant facts, I believe that the facts I have stated in this Statement are true and I confirm that I have had proper regard to the principles set out in the RTPI Practice Advice Note and the relevant principles as to the preparation and presentation of expert evidence at an inquiry.

Signed:



Dated: 19.01.26

1.3 YOUR HOUSING GROUP

- 1.3.1. Your Housing Group is a registered social housing landlord providing safe, affordable homes to people at every stage of life.
- 1.3.2. They are one of the most respected and trusted affordable house builders based in the northwest. YHG's new developments currently stretch from Lancashire to the Midlands and Merseyside to Yorkshire and offer a diverse range of property types and tenures. They currently have over 29,000 homes across the northwest, Yorkshire and the Midlands.
- 1.3.3. The Group operates under a not-for-profit umbrella, with surpluses reinvested into the provision of affordable housing, the maintenance of existing properties, and the development of new services for customers. YHG is an exempt charity under the Charities Act 1993 and a registered affordable housing provider regulated by Homes England.

- 1.3.4. YHG is a registered provider, widely regarded for their expertise in regeneration. YHG prides itself on providing homes which help people to live independently and on enabling people to get on and off the property ladder at different stages of their lives.
- 1.3.5. YHG provide a range of types and tenures of housing including affordable homes to rent, shared ownership properties and private rent solutions (PRS).
- 1.3.6. YHG is a unique housebuilder as they invest in, build out and then manage a development, continuing to provide support for new and existing residents. The proposed development at land to the north of Sentinel Way (the site) is for 100% affordable housing. Further details on YHG's development are set out in section 2.
- 1.3.7. YHG have a successful track record of delivering residential schemes and supporting infrastructure. This is addressed in more detail later in this Proof.

2 YOUR HOUSING GROUP SCHEME

2.1 DETAILS OF THE YHG SCHEME

- 2.1.1. YHG's approved residential scheme comprises 54 new affordable homes which will include a mixture of 2, 3, and 4-bedroom houses and apartments. The scheme has been designed to incorporate a mix of house types to meet local needs and the aspirations of the current and future population.
- 2.1.2. The scheme includes a mix of tenures including affordable rent and shared ownership. This is a particular benefit of the scheme as it provides a mechanism for occupiers to buy their own home in the future. 26 dwellings will be available for Affordable rent and 28 for shared ownership. The proposed mix and size of affordable homes has been distributed around the site.
- 2.1.3. Dwellings are set back from the eastern and western boundaries and mostly adopt a positive, outward facing approach. The set back to the northern boundary has been substantially increased. Residential gardens are proposed to back on to the site's boundaries.
- 2.1.4. Boundary treatments support active frontages and clearly delineated private spaces.
- 2.1.5. The layout creates a responsive development with a strong 'sense of place'. It also creates a permeable site with links to neighbouring open space, public rights of way and cycleways.
- 2.1.6. Parking is provided through a mix of driveways and parking courts. The majority of car parking is located within residential curtilages to the front and side of dwellings.
- 2.1.7. As well as areas of open space to the south, each new house will benefit from its own area of private amenity space in the form of enclosed rear gardens.
- 2.1.8. A landscape bund is provided to the north of the site which features wildflower and new tree planting. The bund will provide a green feature separating the site from Heysham Road. The bund helps to improve the visual amenity for future occupiers but also provides an acoustic function.
- 2.1.9. Dwellings feature a range of materials including a mixture of grey bricks, wood effect windows and grey roof tiles. The elevations display a range of features to add interest to the façades.
- 2.1.10. A total of 6 different house types are provided across the site, ranging between 2 and 2.5 storeys in height. This creates visual interest in the streetscene.

2.2 PLANNING HISTORY

Heysham Road Development

- 2.2.1. The background and planning history associated with the site is important context for this Proof of Evidence. WSP were appointed in 2021 to prepare a planning application for residential development.
- 2.2.2. YHG acquired land to the south of Heysham Road/north of Sentinel Way in March 2021. A Site Location Plan (Appendix 2 of the YHG objection letter) shows the extent of the land acquired.

Planning Application DC/2022/00727

2.2.3. In April 2022, a planning application (Planning ref DC/2022/00727) for 65 dwellings (subsequently reduced to 64 dwellings) to be made available as affordable housing, was submitted to Sefton Borough Council. The description of development was as follows;

"Application seeking full permission for residential development with creation of site access including landscaping, parking, supporting infrastructure and other associated works"

2.2.4. The application received an officer's recommendation for approval and was taken to Sefton's Planning Committee in November 2022. However, despite being supported by officers, the application was refused by Members. The Decision Notice was issued on 18 November 2022 with one reason for refusal, as follows;

'This linear site is hemmed in by the railway along one side and land used for industrial purposes on the other side, and a waste disposal use and cement plant fronting the Heysham Road end of the site. These uses, together with heavily trafficked nearby roads, generate noise and air pollution. The turning circle at the Heysham Road end is used by large vehicles and is likely to result in danger to pedestrians and cyclists on the path leading from the development. In combination, these factors would result in a poor form of development with unsatisfactory living conditions for future residents and would be contrary to Policies EQ2(2), EQ4 (1, 2 & 4), and EQ3(f) of the Sefton Local Plan, and paragraph 130 (f) of the National Planning Policy Framework'.

Planning Application DC/2023/00263

2.2.5. Following refusal in November 2022, the proposals were significantly redesigned in order to respond to the Council's reason for refusal. A number of revisions to the scheme were made with additional technical reports instructed in order to respond to the concerns raised by Members. The following amendments were made to the proposal;

- Reduction in the number of dwellings from 64 to 60 (revised again to 54 during determination);
- Removal of the pedestrian footpath connecting with Heysham Road (now relocated as part of the 54 dwelling scheme) thus removing any highway safety concerns;
- Amending the site layout to move dwellings further away from the northern boundary thus reducing the impact of noise for occupiers;
- Introducing a bund and noise barrier to provide separation between dwellings and improve visual appearance through landscaping and planting; and
- Undertaking Air Quality and Odour testing and modelling.

2.2.6. A revised application was submitted in February 2023 (ref - DC/2023/00263).

2.2.7. Despite making significant amendments to the proposal, which had previously been found acceptable by officers, the case officer verbally confirmed the officers could not support the revised proposal.

2.2.8. Despite the Council's stance, the application progressed through the determination period with officers affording the appellant an opportunity to address consultee feedback and amend the application.

2.2.9. Further minor amendments were made including;

- Introduction of footpath and cycle link to the north of the site, in line with highways comments and specifically to ensure the Maritime Corridor Works scheme could be delivered;
- Revisions to the proposed landscaping scheme.

2.2.10. As with the original application, it is important to note that during the determination of the application no issues or concerns were raised, and no harm identified by the Council or consultees, in relation to the principle of development or any environmental/technical discipline. No neighbour objections were received throughout the determination period.

2.2.11. The Council issued the Decision Notice on 16 May 2024 with one reason for refusal attached;

The site's proximity to and constrained nature from the surrounding employment uses and railway line, affecting three of the site boundaries, would fail to ensure high quality living conditions and is not a suitable location for residential development. In combination, these factors would result in a poor form of development with unsatisfactory living conditions for future residents and would be contrary to policies HC3 'Residential Development and Primarily Residential Areas' and EQ2 'Design' of the Sefton Local Plan, and paragraph 135(f) of the National Planning Policy Framework.

Planning Appeal (APP/M4320/W/24/3355665)

2.2.12. Following issue of the refusal notice, YHG instructed WSP to prepare an appeal. Kings Chambers provided Counsel input.

2.2.13. The appeal was lodged in November 2024. Initially the appeal was intended to progress via an Informal Hearing. However, it was later downgraded to Written Representations given the Council acknowledged they would not be disputing the technical/environmental evidence submitted.

2.2.14. On 10 June 2025 the appeal was allowed by the Planning Inspector, granting full planning permission for YHG's residential proposal. A copy of the appeal decision can be found at Appendix 3 of YHG objection letter.

2.2.15. Following approval, YHG are progressing to commence construction and deliver the affordable housing as soon as possible. YHG have appointed WSP to discharge pre-commencement conditions, ahead of YHG commencing construction in March 2026.

2.2.16. For clarity, the schedule of accommodation below sets out the development which has been approved. The approved site plan with plot numbers can be found at Appendix 4 of YHG's objection letter.

House type	Beds	Total Number	Tenure
A	2	8	Affordable Rent
B	2	4	Affordable Rent
C	3	4	Affordable Rent
D	3	8	Affordable Rent

F	4	2	Affordable Rent
A	2	2	Shared Ownership
B	2	9	Shared Ownership
C	3	7	Shared Ownership
D	3	6	Shared Ownership
N	4	2	Shared Ownership
F	4	2	Shared Ownership
Total		54	

2.3 PLANNING BENEFITS OF YHG SCHEME

2.3.1. The public benefits to be delivered by the residential scheme are substantial.

2.3.2. The below table provides a summary of the multitude of positive benefits that the residential scheme will deliver and the weighting to be associated. This has been fully tested and accepted by SoS via the Planning Inspectorate decision.

Benefits	Weight
Social Benefits	
The delivery of 54 high quality affordable homes addressing an identified need for both affordable housing and a mix of much needed family homes in a sustainable location.	Very Significant
The proposal comprises 100% affordable housing, this is over and above the local policy requirement.	Very Significant
Widening the National Cycle Network (NCN) route to the south making it more accessible and user friendly, in turn encouraging active travel, healthy lifestyles and positive well-being.	Significant
Contributing towards the strength, vibrancy and health of the local community. The development proposals comprise high-quality new homes, located with excellent access to local goods and services, including an excellent local network of open green spaces and opportunities for recreation.	Significant
Economic	
Economic and employment benefits during the construction phase; <ul style="list-style-type: none"> • 50 person years of temporary construction employment; • The construction employment generated by the proposed development will create gross value added to the local economy of around £4.2 million 	Very Significant
Economic benefits once operational; <ul style="list-style-type: none"> • £105,000 per annum in additional Council Tax payments to Sefton Council; 	Significant

• £711,000 per annum of increased consumer spending by the new households at the site.	
Environmental	
Making efficient use of previously developed land in an accessible and highly sustainable vacant site;	Very significant
New landscaped areas including new tree and hedgerow planting;	Moderate
A net-gain in biodiversity;	Moderate
Planting of new hedges to provide adequate screening between new dwellings towards the southern boundary of the site;	Moderate
Reducing the pressure on other greenfield sites.	Moderate
Implementation of sustainable practices.	Moderate

2.4 HOUSING LAND SUPPLY AND AFFORDABLE HOUSING POSITION IN SEFTON

National and Local Policy Position

- 2.4.1. At both a national and local level, there is significant support for the delivery of affordable housing. An Affordable Housing Statement, prepared by WSP, supported YHG's planning application. It provides a detailed breakdown and analysis of the substantial affordable housing need across Sefton. The statement can be found at Appendix 5 of YHG's objection letter.
- 2.4.2. The Council's affordable housing need is based on the Council's latest Strategic Housing Market Assessment (SHMA) issued in 2019. The SHMA aims to be consistent with the Local Plan period.
- 2.4.3. The SHMA 2019 identifies a net need for 391 affordable and social rented dwellings per annum across Sefton as a whole. For the Maghull/Aintree and Netherton areas, there is a net need for 49 affordable dwellings per annum for the period 2017-36.
- 2.4.4. Comparative analysis of net affordable housing completions between the base date of the SHMA 2019 in 2018/19 and the most recent monitoring year data of 2022/23 shows that a cumulative shortfall of -1,171 affordable homes has arisen when compared with the identified need of 391 affordable homes per annum. This is a further increase from the -939 at the time of preparing the affordable housing statement with the Council failing to meet the annual requirement in any year since the SHMA was published.
- 2.4.5. It should be noted that the previous iteration of the SMHA (2014) is the only SHMA which has been tested by the Planning Inspectorate. When assessed against the need within the 2014 SHMA the Council's shortfall increases further.

Monitoring Year	Net Affordable Housing Completions	Affordable Housing need SHMA 2019:	Surplus/Shortfall	Percentage of needs met
2018-19	163	391	-228	42%
2019-20	210	391	-181	54%
2020-21	133	391	-258	34%
2021-22	119	391	-272	30%

2022-23	159	391	-232	40%
2023-24	181	391	-210	46%
Total	965	1955	-1,381	41%
Average per annum	161	391	-230	41%

2.4.6. The Council's most recent annual monitoring report sets out that only 181 affordable homes were delivered in 2023/24, significantly less than the target of 391 per year, further increasing the cumulative shortfall and overall affordable need.

2.4.7. It is clear the Council cannot keep pace with the identified needs within Sefton and that affordable housing delivery must significantly increase in order to meet the need.

2.4.8. In terms of affordable waiting lists, data from MHCLG states that there are 3,382 households on the Housing Register in Sefton.

2.4.9. This is all against the backdrop of an identified need and affordability indicators also show that housing is becoming less affordable across Sefton with house affordability ratios higher than the average in the north-west.

2.4.10. In light of the above, it is clear there is a very significant and rising need for affordable housing within Sefton. The Council have historically under delivered and continue to do so. The current need is undeniable. The delivery and supply woeful.

2.4.11. It is important here to note that YHG's scheme exceeds policy requirement for affordable housing by a considerable margin.

2.4.12. Affordable housing need within Sefton is further exacerbated by the 2024 National Planning Policy Framework changes with Sefton's housing requirement significantly increased. As a result Sefton's housing need is now 1,368 dwellings per annum, a significant increase of well over 100% to the previous standard method requirement.

2.4.13. The 2024 NPPF recent changes also place stronger emphasis on the delivery of affordable homes, notably its inclusion within the provisions of paragraph 11(d). The revisions to the NPPF were supported by a Written Ministerial Statement (Building the Homes We Need) which sets out the Government's aim of significantly increasing housing supply and affordability.

Housing Land Supply

2.4.14. As set out above, following the issue of the 2024 NPPF and as a result of changes to the standard method to calculate housing need, Sefton's annual housing requirement has risen to 1,368 dwellings up from 578.

2.4.15. The Council's Local Plan is more than 5 years old, having been adopted in 2017. The Council have not submitted a new Local Plan for examination nor are they at Reg 18 or 19 stage. As a result, and in accordance with the NPPF, they are required to demonstrate a 5 year supply of housing.

2.4.16. According to the Council's latest Strategic Housing Land Availability Assessment (SHLAA) dated October 2025, the Council can only demonstrate a supply of 3.34 year supply, reducing to 2.92 when the 20% buffer is applied, significantly below the 5 years required.

- 2.4.17. It is clear that the delivery of YHG's scheme will make a very significant contribution to the delivery of affordable homes in Sefton; 54 well-designed, high-quality homes on a previously developed site and in a highly sustainable area against the backdrop of a significant rise in housing requirement and the Council's inability to demonstrate a 5 year housing supply.
- 2.4.18. The public benefits of delivering 54 affordable dwellings are very significant and cannot be overstated.

3 GROUNDS OF OBJECTION

- 3.1.1. YHG are supportive in principle of Sefton Council's proposed improvement works to create a connected active travel route. However, given the scheme causes significant conflict with their residential scheme they strongly object to the CPO.
- 3.1.2. YHG have reviewed the Maritime Corridor proposals which underpin the CPO in detail with their design team and have identified significant conflicts surrounding three critical areas where the scheme entirely jeopardises the delivery of their residential scheme. Indeed, it sterilises the site making it inaccessible and undeliverable. Design solutions have been proposed by YHG which would alleviate these concerns whilst still delivering a scheme that achieves the Maritime Corridor objectives, and whilst also providing cost saving opportunities. I submit that it is a valid alternative, and a better alternative, to the proposed CPO scheme.
- 3.1.3. As set out above, YHG formally engaged with the Maritime Corridor proposals' consultation, submitting formal representations in October 2023. The representations set out in detail that the Maritime Corridor Proposals would cause significant conflict with YHG's residential scheme and would not only prevent YHG from delivering their affordable housing scheme but sterilise the entire site.
- 3.1.4. YHG's concerns relate primarily to three areas of the Council's scheme:
 - Heysham Road;
 - Existing Cycleway; and
 - Connection to Sentinel Way.

3.2 STERILISATION OF YHG SITE INCLUDING LOSS OF BENEFITS

Heysham Road

- 3.2.1. The Maritime Corridor works propose to introduce a shared cycle/pedestrian route off Heysham Road. As part of these works the existing access into YHG's site would be blocked up and extinguished. This would leave YHG's site inaccessible and therefore sterilised. The 2024 NPPF promotes the redevelopment of brownfield sites, however, the Council's proposals would see YHG's brownfield site sterilised.
- 3.2.2. The proposed mini roundabout currently crosses into the northern edge of the residential layout, impacting upon an area of strategic landscaping and acoustic bunding. YHG flagged to the Council that this would prejudice the merits of the residential application and that there were opportunities for the Council's scheme to be accommodated within YHG's layout.
- 3.2.3. Indeed, during the determination of application DC/2023/00263, YHG formally revised their layout to incorporate the Council's proposed Maritime Corridor layout off Heysham Road, so that both layouts would align with no conflicts, subject to the Council amending their scheme. This was another example of YHG attempting to ensure both schemes could be delivered.

Existing cycleway

- 3.2.4. The existing cycleway running from Heysham Road to Sentinel Way (bordering the YHA site) is proposed to be widened to approximately 5.3 metres in width. At the north end of the cycleway this will impact upon YHG's scheme by cutting into the site and reducing the size of the approved

residential gardens, leaving houses with inadequate garden space in breach of the standards required by Sefton's New Build Homes SPD. Towards the southern end of the cycleway the works intrude into the site layout further and conflict with a proposed dwelling. This will prevent its construction as it would occupy the same physical space as the approved dwelling. As a result of substandard garden spaces and the CPO route occupying the same physical space as a dwelling, 12 dwellings would be lost alone here.

- 3.2.5. The impact is greater as it should be noted that the land required to widen the cycleway rises significantly from east to west. The YHG site effectively sits at a much higher level above the current cycle way proposed for widening. Therefore, whilst on plan view the widening of the cycleway may appear straightforward, it would involve a significant engineering operation to create a level surface/route. Excavation and retaining walls would be required. This would be costly, involve a detailed cut and fill and engineering exercise, and be carbon intensive, likely requiring significant concrete. YHG are concerned as to whether appropriate survey work and due diligence has been carried out for this section of the proposals to inform the detailed design and costs, as on a cost benefit analysis approach, the case to widen (by a proportionately small amount) balanced against the cost of retaining structures, would represent a poor cost. I have seen no evidence of any survey work having been undertaken or any consideration being given to the extent, and cost, of the required engineering works.
- 3.2.6. A more cost-effective solution would be for the cycleway to remain as existing whilst the pedestrian route could be moved and connect into the residential development utilising the proposed pedestrian routes from north to south through the development via the estate road. This would avoid the need for the costly works to the existing cycleway and retaining walls, whilst avoiding any potential impacts on the residential layout.
- 3.2.7. Again, during the determination of the planning application, YHG made amendments to their layout to ensure they aligned and a suitable pedestrian route from Heysham Road through the site to Sentinel Way and beyond was provided.

Connection to Sentinel Way

- 3.2.8. At the southern end of the works, the footpath and cycleway are proposed to continue and connect into Sentinel Way before continuing to the Park Lane Junction. This stretch of the route causes significant conflict with YHG's access proposals into the site. The route and access proposals are incompatible and in its current form the cycleway would prevent access from Sentinel Way (and as it closes the Heysham Road access also) sterilising the site access. This is shown at Appendix 6 of YHG's CPO objection letter.
- 3.2.9. The above concerns were raised with the Council's representatives at a meeting in October 2023 but ignored.
- 3.2.10. In light of the above, I am firmly of the opinion that the Council's scheme results in the sterilisation of YHG's land and renders the residential consent undeliverable, resulting in a complete loss of 54 much needed affordable homes and significant public benefits that would be delivered.

3.3 ALTERNATIVE SCHEME EXISTS

- 3.3.1. As mentioned above, an alternative scheme has been proposed by YHG.

- 3.3.2. In September 2023, during the determination period of the revised planning application (DC/2023/00263) Sefton Borough Council consulted on their proposed Maritime Corridor Improvement works.
- 3.3.3. Following issue of the Maritime Corridor Works proposals, YHG engaged with the Council and offered constructive feedback that would ensure that the improvement works could be delivered alongside the residential scheme, thus delivering both and providing potential significant cost savings for the Council.
- 3.3.4. Representations were submitted to the Council in October 2023 as part of their formal consultation exercise on the Maritime Corridor Improvement works. The representations included several proposed amendments to the Heysham Road section of works aimed at ensuring that both proposals could be delivered whilst offering cost savings for the Council by offering up parts of YHG's land and utilising infrastructure which would be delivered by YHG scheme.
- 3.3.5. The full representations can be found at Appendix 6 of the YHG objection letter.
- 3.3.6. The alternative scheme allows for the provision of policy compliant cycle and footpath connections, with a cycleway that exceeds 3m, and a footpath that is 2m wide. By retaining the full width of the shared cycle/footpath for cycling only and directing pedestrians through the residential scheme where there will be much improved surveillance, it creates an equally commodious, yet safer alternative. Beyond the YHG site it can easily join the existing and proposed Maritime Corridor.
- 3.3.7. The alternative scheme therefore fully delivers the same requirements and benefits as the CPO scheme in:
 - Providing access to key employment and retail sites by alternative modes, which will allow for increased growth; as well as reduced emissions in association with the climate emergency.
 - Addressing the positive changes necessary to deliver the progressive and resilient transport system that is required to support sustainable growth and prosperity in the area by supporting the delivery for housing and economic growth.
 - Promoting active modes by improving walking and cycling facilities in the study area by putting less reliance on car journey, thus providing social, economic, and environmental benefits to the community.
 - Promoting route choices and encourage local community to undertake more journeys on foot or by bike inducing modal shift, thereby coming a step closer to improving air quality and health and well-being and contributing towards net-zero and sustainability goals.
- 3.3.8. As such, it is clear that the YHG's scheme with its alternative provision does not prejudice the intentions or delivery of the Heysham Road Maritime Corridor Works, and rather provides a better scheme to deliver those objectives. It is consented and deliverable.
- 3.3.9. The alternative thus fully accords with:
 - NPPF
 - DoT Transport Investment Strategy (2017)
 - Department for Transport – Decarbonising Transport (2021)

- Department for Transport – Gear Change (2020)
- Transport for the North – Strategic Transport Plan
- The Third Local Transport Plan for Merseyside
- Combined Authority Transport Plan – Liverpool City Region Combined Authority (June 2019)
- A Plan for Prosperity – Liverpool City Region Combined Authority (2022)
- A Local Plan for Sefton – Adopted April 2017'
- Sefton Economic Strategy (SES) Update 2022-2024

3.4 LACK OF ENGAGEMENT FROM COUNCIL PRIOR TO MAKING THE CPO – CPO NOT BEING USED AS TOOL OF LAST RESORT

3.4.1. Government Guidance on the Compulsory Purchase Process sets out that compulsory purchase is intended as a means of last resort to assemble land required to enable development, and, further, that acquiring authorities should attempt to secure all land (and rights) needed by voluntary agreement first.

3.4.2. Paragraph 2 of the guidance: “When should compulsory purchase powers be used?” sets out that: *“Acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest.*

The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement. Where acquiring authorities decide to/arrange to acquire land by agreement, they will pay compensation as if it had been compulsorily purchased, unless the land was already on offer on the open market.

Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects”

3.4.3. *Further guidance on this point is provided in paragraph 17.8 which includes the statement:*

“Acquiring authorities are expected to provide evidence that the negotiations and engagement set out in ‘When should compulsory purchase powers be used?’ have been undertaken, save for lands where land ownership is unknown or in question.”

3.4.4. YHG have formally engaged with the Maritime Corridor proposals consultation, submitting formal representations in October 2023 and engaged continually since. They have also had several meetings with the Council’s agent SLC Property.

3.4.5. Despite meeting the agent in October 2023 and providing a full overview and summary of the concerns and possible solutions and organising a follow up onsite meeting in November 2023, YHG did not receive any form of update or meaningful response to the alternative solution presented to the Council, highway authority or designers prior to the CPO being made. Indeed, the Council did not attend any of the meetings arranged with SLC Property.

3.4.6. No further correspondence or update was provided by SLC Property until formal notification of the CPO application.

- 3.4.7. In my opinion, the Council has not satisfied the requirement to take reasonable steps to acquire YHG's interest by agreement and therefore CPO powers should not be confirmed. It has clearly had no regard to the CPO guidance and not engaged sufficiently with YHG prior to the CPO.
- 3.4.8. Following the appeal decision being issued, a short meeting was arranged with Sefton's highways officers in attendance (02/07/25). During this meeting, officers suggested they would like to work with YHG to negotiate and find a solution, rather than secure the land via CPO. Discussions with the Council remain ongoing. To be clear, engagement with the Council only took place after the CPO had been issued in June 2025.
- 3.4.9. Appendix A provides evidence of YHG seeking to discuss the proposals and lack of meaningful response from the Council.

3.5 COMPELLING CASE IN THE PUBLIC INTEREST

- 3.5.1. It is acknowledged that the Council's CPO scheme will deliver a number of benefits. These are set out within the Council's statement of reasons and include improvements to highway and active travel infrastructure and supporting social and economic growth.
- 3.5.2. I have set out how the alternative scheme put forward will deliver the same benefits, and further benefits, making it a better alternative. The Alternative is able to deliver these benefits alongside all of the benefits of the affordable housing development. Both sets of benefits are achieved, together with a significant cost saving.
- 3.5.3. Conversely, the CPO scheme, if delivered, would only deliver the corridor benefits, it will prevent the delivery of the affordable housing losing all its substantial benefits. The deliverability of the corridor scheme is addressed further at sections 4.4 and 4.5.
- 3.5.4. It is therefore clear that the benefits of the CPO scheme do not outweigh the harm caused by the sterilisation of the YHG scheme and the subsequent loss of a number of substantial public and planning benefits.
- 3.5.5. As set out above earlier in this statement, YHG's residential scheme delivers a multitude of positive benefits. This has been fully tested and accepted by SoS via the Planning Inspectorate.
- 3.5.6. The Council's CPO scheme results in a total loss of all **proposed housing benefits**.
- 3.5.7. This is against a backdrop of an alternative scheme being put forward which would allow the delivery of both the residential proposal and Maritime Corridor Works and thus a much greater public gain. The alternative scheme would deliver equally and in some respects more benefits against all CRSTS and LUF objectives – this is addressed in more detail in section 4.
- 3.5.8. There is no evidence that the public gain resulting from the scheme to which the CPO has been made outweighs the alternative scheme put forward or outweighs the substantial benefits that would be lost by YHG not being able to implement their residential consent. Indeed, it is notable that the Council does not seek to refute any aspect of YHG's objection in its response to objections at Appendix 4 of its Statement of Case. On the contrary, the Council has stated its agreement to the alternative scheme enabling the delivery of both the residential development and the Maritime Corridor Works as proposed by YHG.
- 3.5.9. The loss of the affordable housing and associated public benefits must be weighed against the Council's cycle and pedestrian route benefits for which a more than reasonable alternative exists as

acknowledged by the Council in its Statement of Case. The alternative solution forms a material consideration of substantial weight against the CPO.

- 3.5.10. In addition, the Council has failed to justify its interference with YHG's rights under Article 1 of the First Protocol to the European Convention on Human Rights, as the guidance confirms at para 12.4 the Council is required to do so. No reasoning whatsoever has been forthcoming from the Council as to how it justifies the clear interference with those rights and how its interference is proportionate in circumstances where the very same benefits (and more) are capable of being achieved without the compulsory acquisition of YHG's land.
- 3.5.11. The CPO is thus not in the public interest. The Council has failed to demonstrate a compelling case in the public interest to justify the making of the CPO.

4 ALTERNATIVE SCHEME

4.1 THE ALTERNATIVE SCHEME

- 4.1.1. An alternative solution exists which would allow the delivery of both the residential proposal and Maritime Corridor Works and thus a much greater public gain. This scheme has been presented to Sefton Council with a number of workshops held to discuss the detailed design. The Council are continuing to engage on the alternative scheme. The latest designs for the alternative scheme (prepared by Atkins) can be found at Appendix B.
- 4.1.2. The alternative scheme overcomes the areas of concern as outlined in section 3 allowing both the CPO and the YHG affordable housing schemes to be successfully delivered.
- 4.1.3. To the north off Heysham Road, the revised route aligns with the Council's pedestrian and cycle route. A minor tweak to the YHG residential layout will ensure the bund and landscaping area is not prejudiced, whilst still delivering the Council's preferred route.
- 4.1.4. In terms of the existing cycleway, instead of widening the existing route (to accommodate pedestrians and cyclists), the alternative scheme proposes a more cost-effective solution for the cycleway to remain as existing whilst the pedestrian route connects into and through the proposed residential development, utilising the proposed pedestrian routes from north to south through the development via the estate road. This would avoid the need for the costly works to the existing cycleway and retaining walls, whilst avoiding any potential impacts on the residential layout. The pedestrian route will have superior surveillance (as opposed to the unobserved cycle route) and offer an equally as direct route. It will also remove any conflict for pedestrian safety of having a shared route with cyclists.
- 4.1.5. More recent discussions have involved the Council widening the existing cycleway up to YHG's boundary, delivering further benefits via a widened cycleway and segregated pedestrian route. This can only be achieved by utilising YHG's scheme for the pedestrian route.
- 4.1.6. To the south, towards Sentinel Way, the alternative scheme would join YHG's access road delivering cyclists to Sentinel Way where they would rejoin the main carriageway. This would utilise infrastructure provided by YHG and a much more attractive route in terms of pedestrian and cyclist experience.
- 4.1.7. The alternative route has been agreed in principle by both YHG and Sefton Council with detailed designs produced – see Appendix B. There is clear commitment and support from both sides to deliver the alternative route.
- 4.1.8. Whilst the alternative design has progressed from those amendments made during the course of planning application (DC/2023/00263) they are consistent with the consented layout and remain deliverable. In terms of procedure, a Non-Material Amendment (NMA) application would be required to align the approved scheme with the alternative scheme, however, this amendment is minor in nature and uncontroversial. Procedurally it can be quickly achieved via an NMA.
- 4.1.9. It is proposed to deliver the alternative route via a Development Agreement between YHG and the Council which would provide the legal mechanism to ensure that the alternative route is delivered including responsibilities for delivering each element, timescales and a programme of delivery.

4.1.10. However, at the time of writing, the Development Agreement has not been signed and therefore YHG's objection to the CPO remains.

4.2 COMPATIBILITY WITH POLICIES AND FUNDING OBJECTIVES

4.2.1. The alternative scheme as set out above delivers against all of the Council's funding objectives.

Funding Objective	Commentary
<u>CRSTS objectives</u>	
S1: Improve accessibility/ connectivity to the A5036 Dunnings Bridge Road and Atlantic Park development sites.	<p>YHG's alternative solution delivers accessibility/connectivity improvements, however also, provides a more attractive route with pedestrians utilising the estate road of YHG's development along the Sentinel Way – Heysham Road section. This segregated route is safer and more attractive for pedestrians, thus boosting accessibility with more local users likely to use this route.</p> <p>The alternative route proposed delivers significant cost savings for the public purse.</p>
S2: Improve active travel provision to encourage walking and cycling.	<p>The alternative solution delivers a more attractive and safer route than the Council's current scheme and therefore is likely to encourage a greater level of the local community to utilise the enhanced walking and cycle infrastructure.</p>
S3: Improve safety and perception of safety for road users across the corridor.	<p>YHG's infrastructure would provide a segregated pedestrian route for a section of the route which would reduce interaction with cyclists. Segregation helps reduce conflicts and collisions between different types of users, leading to a safer environment for all. Segregation can also help the flow of traffic for both cyclists and pedestrians.</p> <p>YHG's internal estate road would be well lit with significant natural surveillance. A safer, well designed and more inviting route than currently proposed by the Council on a shared route between a retaining wall and industrial estate with no surveillance and a stretch with no escape route.</p>
S4: Improve local air quality.	<p>The alternative solution improves air quality by providing a more attractive route which in turn encourages more of the local community to walk and cycle as an alternative to using a private car.</p>
<u>LUF Objectives</u>	

S1: Reduce congestion.	The alternative solution delivers a more attractive and safer route than the Council's current scheme and therefore is likely to encourage a greater level of the local community to utilise the enhanced walking and cycle infrastructure.
S2: Improve air quality.	The alternative solution improves air quality by providing a more attractive route which in turn encourages more people to walk and cycle as an alternative to using a private car.
S3: Provide better connectivity to employment sites.	The alternative solution would provide the same benefits as the Council's scheme in relation to connectivity to employment sites.
S4: Support economic growth.	<p>The alternative solution would ensure that YHG's residential scheme is delivered. The scheme delivers 54 affordable housing alongside substantial public benefits in the form of job creation and investment. All whilst delivering a more cost effective active travel route for the Council.</p> <p>The alternative solution therefore provides a significant betterment in supporting economic growth compared to the Council's scheme.</p>
S5: Improve levels of health and wellbeing.	The alternative solution delivers a more attractive and safer route than the Council's current scheme and therefore is likely to encourage a greater level of the local community to utilise the enhanced walking and cycle infrastructure with overall levels of health and wellbeing improving.

4.3 PLANNING BENEFITS OF ALTERNATIVE SCHEME

- 4.3.1. The alternative scheme ensures the delivery of all of the planning benefits of YHG's residential scheme (as set out earlier in this statement).
- 4.3.2. Alongside ensuring that both schemes can be delivered, the alternative scheme also delivers improvements over and above Council's proposed route.

Attractiveness of the route/safety concerns

- 4.3.3. There are significant security concerns with the Council's proposed route, specifically the section running adjacent to YHG's site. This length of cycleway is bound on the western side by fences which provide limited views into the car park of the neighbouring industrial units and to the eastern side by security fencing and a steep embankment, forming part of YHG's site. It has very limited

natural surveillance and is unattractive to pedestrians. Given the presence of fences either side of the cycleway it creates a sense of enclosure with a tunnel-like effect, so that once entered pedestrians would be exposed with no means of escape.

- 4.3.4. This is less noticeable to cyclists given they travel along this section at speed, however, for pedestrians it provides an unattractive and narrow route, with no means of escape once you enter the route and with no natural surveillance it creates a less attractive route for pedestrians. The segregated alternative pedestrian route through the YHG site is far more attractive and safer.
- 4.3.5. If pedestrians were to utilise the infrastructure delivered by YHG and walk through the residential site, this security concern would be removed. The option of a more attractive, well lit and safer route has not been investigated by the Council.
- 4.3.6. Furthermore, YHG's infrastructure would provide a segregated route which reduces pedestrian interaction with cyclists. Segregation helps reduce conflicts and collisions between different types of users, leading to a safer environment for all. Segregation can also help the flow of traffic for both cyclists and pedestrians.
- 4.3.7. The route proposed by YHG is safer and more desirable and as a result will result in greater use, thus improving active travel provision to encourage walking and cycling and improving safety and perception of safety for road users across the corridor, both of which form part of the CRSTS and LUF objectives.

4.4 COST SAVINGS OF ALTERNATIVE SCHEME V'S PROCEEDING WITH CURRENT PROPOSED SCHEME

- 4.4.1. Significant financial savings are available to the Council given YHG have proposed to deliver a substantial proportion of the Heysham Road section of the Maritime Corridor Works. As part of YHG's proposals, pedestrians would be able to make use of the infrastructure provided as part of the residential development.
- 4.4.2. The improvement works to widen the cycleway to provide a segregated cycleway/pedestrian route are considerable in cost, given the change in levels. A retaining wall will be required to facilitate construction of this section.
- 4.4.3. Further significant savings could be made by integrating the cycleway with YHG's access from Sentinel Way. Cyclists can merge with YHG's estate road before joining Sentinel Way.
- 4.4.4. The Council's proposals involve extending the shared cycleway south, constructing a new length of infrastructure. This is unnecessary given the existing links which will be upgraded by YHG.
- 4.4.5. Given the above there are significant cost savings available to the Council which have not been investigated or assessed. A comparative exercise should have been undertaken to assess and quantify the savings.
- 4.4.6. Furthermore, there are significant costs required should the Council deliver their current scheme.
- 4.4.7. Compensation will be required and is expected to be significant. It is not clear whether the Council have given thought to all costs including compensation, therefore it is questionable whether sufficient funding is available to deliver the scheme in any event.
- 4.4.8. Appendix C, prepared by Deloitte, provides more detail on this and is clear that proceeding with the CPO would impose a substantial and unjustified burden on the public purse. Beyond the direct

development costs of the Council's scheme, which has been estimated at circa £500,000 and which involves complex and expensive engineering due to challenging ground conditions, the Council would legally be obliged to pay substantial compensation to YHG. These costs are not speculative and would include the market value of YHG's entire site, assessed with the benefit of its full planning permission for 54 homes, in accordance with the Land Compensation Act 1961.

- 4.4.9. Furthermore, the Council would be liable for significant disturbance costs, potentially including all aborted expenses, loss of opportunity and profit, potential reinvestment costs. All reasonable professional fees incurred by YHG in preparing and negotiating this claim would also fall to the Council.
- 4.4.10. In light of the above, the alternative scheme presents substantial cost savings to the public purse. There is concern about significant compensation that will be required. Serious doubt is raised whether the Council have considered all costs and indeed whether the scheme is actually deliverable on this basis.

4.5 ALTERNATIVE SCHEME DELIVERY TIMEFRAMES.

- 4.5.1. The Council are vague on timeframes for delivering the Heysham Road section of the Maritime Corridor, however, they set out that funding will be available until March 2027 and therefore are working to deliver the scheme by this date. Significant concern is raised with this timeframe being deliverable.
- 4.5.2. Firstly, the Council have only recently (November 2025) submitted a planning application to secure consent for this section of the works, namely some 6 months later than timeframes quoted within their statement of reasons. Time is required for any issues to be addressed, objections considered and the application determined.
- 4.5.3. It is likely that pre-commencement conditions will be attached to the consent with sufficient time required to firstly prepare the discharge of conditions information, submit the information and allow 8 weeks for determination.
- 4.5.4. Furthermore, the CPO Inquiry start date has been delayed until February 2026. The process itself is unlikely to conclude for many months. The Decision following the Inquiry is expected to take 3-6 months, likely concluding between May to August. Subsequently a 6-week Judicial Review ("JR") period would extend the timeline to between July and September 2026. This extended schedule places further pressure on the Council's delivery timeframes.
- 4.5.5. Following the conclusion of the JR period, the Council must serve a minimum of three months' notice before the land can be vested and possession taken. Therefore, the earliest the Council could take ownership of the site and commence work would be October 2026, though a start date of January or February 2027 is more realistic.
- 4.5.6. As a result, it is highly unlikely that the Council will be able to deliver the scheme by the March 2027 deadline. If the scheme cannot be delivered by the funding timeframes significant doubt is raised over whether the scheme is actually deliverable.

4.6 DELIVERABILITY OF ALTERNATIVE PROPOSAL

- 4.6.1. As set out above, there is significant concern over the Council's timeframes for delivering this section of the Maritime Corridor Works with a high possibility that funding deadlines are missed.

- 4.6.2. The majority of the alternative scheme however would be delivered by YHG, an affordable housing provider with a strong track record of delivery in the north west.
- 4.6.3. They are one of the most respected and trusted affordable house builders based in the northwest, with over 29,000 homes across the northwest, Yorkshire and the Midlands.
- 4.6.4. YHG are currently progressing through a tender process with tender returns completed in November. Evaluation of tender and recommendation of a contractor is currently taking place with a JCT Design and Build Contract to be awarded in February 2026.
- 4.6.5. The contractor is expected to take possession of the site in March 2026.
- 4.6.6. There is clear evidence that there is commitment to the site and that construction works will shortly be underway. The active travel corridor works are embedded within the YHG scheme and therefore there is certainty over delivery.
- 4.6.7. In accordance with YHG's build programme, all works would be complete and the active travel improvements delivered by the end of June 2026.
- 4.6.8. It should be noted that the build programme timeline has received input from a Contractor and therefore can be relied upon.
- 4.6.9. A delivery document has been appended to this Proof of Evidence which provides detailed information and evidence about YHG and their delivery record. This can be found at Appendix D.
- 4.6.10. Whilst delivery timeframes for the active travel element is later than timeframes proposed by the Council, as set out above, the Council timeframes are wholly unrealistic with a high probability that the funding deadline is missed.
- 4.6.11. As such, when compared against a more realistic delivery programme for the Council, YHG could actually deliver the alternative scheme faster than the Council.

5 CONCLUSIONS

5.1 SUMMARY OF OBJECTIONS

5.1.1. The Council has not demonstrated a compelling case in the public interest to acquire the land from YHG. The CPO scheme will entirely prejudice delivery of the YHG affordable housing scheme and thus lose all its approved benefits. There is an alternative scheme which will deliver the same benefits as the CPO scheme and additional accessibility and cost benefits. Further, the Council has not made sufficient effort to acquire the land via negotiation and therefore the CPO is premature and unjustified.

5.1.2. There has not been a balanced view between the intention of the Council and the concerns of YHG whose interest in land is being acquired compulsorily. The objection can be summarized as follows;

- Overall, given a more cost-effective alternative solution exists, which provides a better solution to delivering the corridor connectivity, there is a lack of a compelling case in the public interest for the Council to compulsorily purchase YHG's land.
- There is no evidence that the public gain resulting from the scheme to which the CPO has been made outweighs the alternative scheme put forward or outweighs the substantial benefits that would be lost by YHG not being able to implement their residential consent. There is a more appropriate, deliverable alternative solution which must be assessed.
- There are significant concerns over whether the Council can deliver the CPO scheme within the funding timeframes and thus it is highly questionable whether the scheme is actually deliverable.
- The alternative scheme on the other hand is deliverable and ultimately is a saving to the public purse, with evidence provided that YHG have a successful track record of delivery. A tendering process has taken place and construction works on the scheme will commence early next year. The active travel improvements are embedded in the YHG scheme and therefore there is certainty of delivery.
- YHG's proposals will deliver 54 affordable homes with both shared ownership and affordable rent. It meets a significant affordable need which has been demonstrated in Sefton and continues to rise.
- The proposals would make a meaningful contribution towards Sefton's housing targets and in doing so redevelop a previously developed site in a sustainable location, directly according with Government guidance to boost the delivery of homes.
- YHG's proposals generate a multitude of benefits, many of which are of significant as set below. These benefits would be lost should the CPO be confirmed.

Benefits	Weight
Social Benefits	
The delivery of 54 high quality affordable homes addressing an identified need for both affordable housing and a mix of much needed family homes in a sustainable location.	Very Significant

The proposal comprises 100% affordable housing, this is over and above the local policy requirement.	Very Significant
Widening the NCN route to the south making it more accessible and user friendly, in turn encouraging active travel, healthy lifestyles and positive well-being.	Significant
Contributing towards the strength, vibrancy and health of the local community. The development proposals comprise high-quality new homes, located with excellent access to local goods and services, including an excellent local network of open green spaces and opportunities for recreation.	Significant
Economic	
Economic and employment benefits during the construction phase; <ul style="list-style-type: none"> • 50 person years of temporary construction employment; • The construction employment generated by the proposed development will create gross value added to the local economy of around £4.2 million 	Very Significant
Economic benefits once operational; <ul style="list-style-type: none"> • £105,000 per annum in additional Council Tax payments to Sefton Council; • £711,000 per annum of increased consumer spending by the new households at the site. 	Significant
Environmental	
Making efficient use of previously developed land in an accessible and highly sustainable vacant site;	Very significant
New landscaped areas including new tree and hedgerow planting;	Moderate
A net-gain in biodiversity;	Moderate
Planting of new hedges to provide adequate screening between new dwellings towards the southern boundary of the site;	Moderate
Reducing the pressure on other greenfield sites.	Moderate
Implementation of sustainable practices.	Moderate

5.1.3. The loss of the affordable housing and public benefits stated above must be weighed against the Council's cycle and pedestrian route for which a better alternative exists. The Council are clearly not acting in the public interest. The Council have failed to demonstrate a compelling case in the public interest to justify the making of the CPO which should therefore not be confirmed.

5.1.4. An alternative solution exists which would allow the delivery of both the residential proposal and Maritime Corridor Works and thus a much greater public gain.

5.1.5. YHG are ready to enter into a Development Agreement to deliver the alternative proposal.

Appendix A

COUNCIL CORRESPONDENCE



From: [Drake, Alec](#)

Sent on: 21 February 2025 11:49:46

To: [Peter Eustance](#)

Subject: RE: Sefton Council - Maritime Scheme Correspondence

Hi Peter,

Please can we setup an urgent meeting for next week to discuss?

It would appear despite the positive engagement, there have been no amendments to the Heysham Road element of the scheme.

Please can you also send plans of the land in question and referenced within the letter.

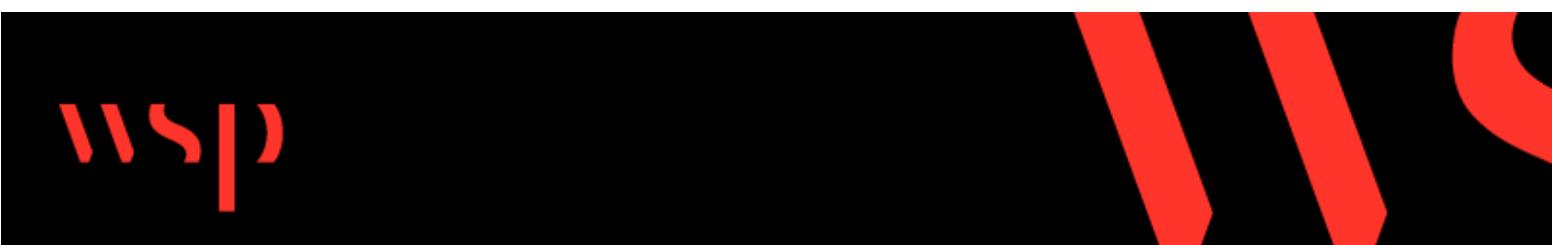
Kind regards,

Alec

Alec Drake
Associate Planner
BSc MSc MRTPI

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From: Peter Eustance <peter.eustance@slcproperty.co.uk>

Sent: 20 February 2025 08:57

To: Drake, Alec <Alec.Drake@wsp.com>

Subject: FW: Sefton Council - Maritime Scheme Correspondence

Hi Alec

I just wondered whether you have been able to progress this with Your Housing at all?

Kind regards

Peter

07384 830827

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

From: Peter Eustance
Sent: 10 February 2025 15:38
To: Drake, Alec <Alec.Drake@wsp.com>
Subject: Sefton Council - Maritime Scheme Correspondence

Hi Alec

You will recall that we were in discussions with Bill Fulster then Kieron Moore regarding the proposals at Bootle Maritime.

I appreciate the situation regarding wsp managing 2 elements of this from separate offices and attach correspondence which has been issued today.

If you can pass it to the relevant person within Your Housing dealing with the matter I will be pleased to progress.

Kind regards

Peter

Peter Eustance MRICS
Associate Director

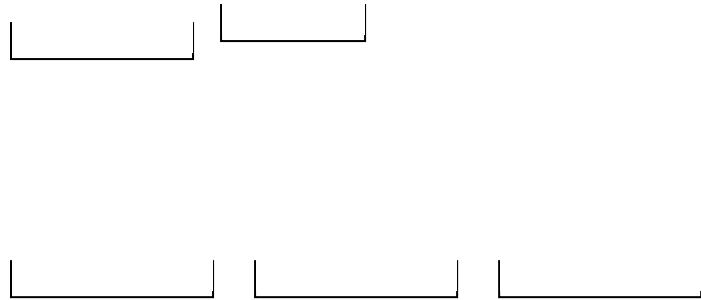
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From: [Drake, Alec](#)
Sent on: 26 October 2023 17:00:34
To: [Peter Eustance](#); [Bill Fulster](#); [Hann, Doug](#)
CC: [Henry Regnart-Butler](#)
Subject: RE: Sefton Council Active Travel Proposals - Your Housing
Attachments: 2077-019 - LAND OFF SENTINEL WAY - PROPOSED SITE LAYOUT WITH MARITIME CORRIDOR OVERLAY.pdf (657.37 KB)

Hi Peter,

Thanks the response below and for your time earlier in the week.

As discussed, please find attached a site overlay plan which highlights the current conflicts with the Council's improvement works and Your Housing Group's scheme.

We would appreciate if you could share this with Sefton's transport team/designers. As mentioned, each conflict can be resolved, ensuring that both schemes and their various benefits can be delivered. There is also the potential for cost savings for the Council. We have also submitted representations to the Improvement Works consultation which was due to close today to ensure that YHG's position is formally recorded. The representations reflect our conversation including potential tweaks to the Council's scheme.

Kind regards,

Alec



Alec Drake

Principal Planner
BSc MSc MRTPI

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From: Peter Eustance
Sent: Tuesday, October 24, 2023 8:05 AM
To: Drake, Alec ; Bill Fulster ; Hann, Doug
Cc: Henry Regnart-Butler
Subject: Sefton Council Active Travel Proposals - Your Housing

Hi Alec, Bill, Doug

Thanks for your time yesterday in discussing proposals by yourselves and Sefton Council regarding the land at Heysham Road. It was helpful to hear the background to your proposals and the revisions made to your scheme.

As you are aware we are currently within the Public Consultation stage of the Council's proposals for Maritime Corridor so I hope that the discussion was of assistance to you.

I raised the points made by yourselves regarding a number of issues on the scheme and the responses are in red beneath:

- Current Proposed Timeframes for Works and Phasing - **Phase 1 of Maritime to start on site in May 2024 with completion March 2025. Phase 2 will follow this (although there may be a gap post Phase 1 completion) and be completed by March 2027.**
- Current Stage of Funding - **Funding has been allocated to this scheme, pending acceptance of the Full Business Cases. Phase 1 Business Case is due to be submitted this week. Phase 2 Business Case to be submitted Q1/Q2 next year.**
- Where this section of the Works fits within the Programme - **This part of the scheme fits within Phase 2 of the scheme which is targeting completion of March 2027.**
- What level of Surveys and Topographic Studies have been undertaken as there is an issue re Levels on this site - **We have a topographical survey of the full site and the drawings currently has a note on re. the embankment along the boundary so suggests that the design team are aware of the level issue.**
- General width of the cycle path on the scheme and in particular the area where YH are affected - **In general, cycle tracks are 3m wide and footways are 2m wide.**

I trust the above assists with the questions raised in our meeting – Please let me know if it would assist in arranging a site meeting to discuss any points in more detail. Equally if you have further questions please let me know

Kind Regards

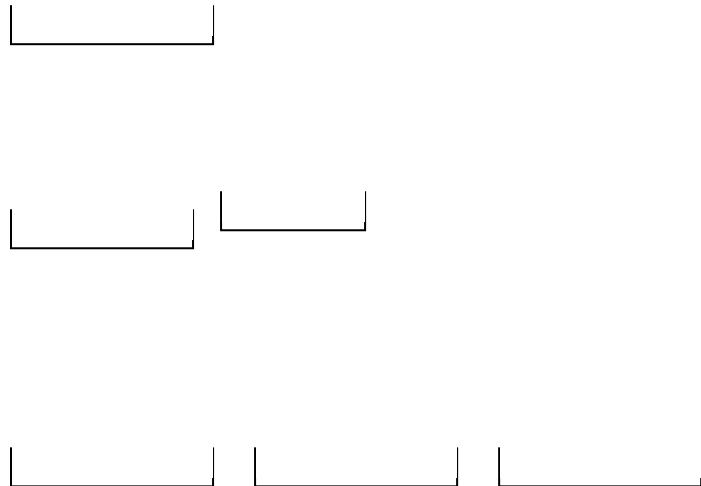
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Appendix B

ALTERNATIVE SCHEME







Appendix C

COMPENSATION NOTE



TECHNICAL NOTE – COMPENSATION CONSIDERATION

Date: 15 December 2025

To: Kieron Moore – Your Housing Group (“YHG”)

From: Stephen Lashmar

Subject Sefton Metropolitan Borough Council (Maritime Corridor) CPO 2025

1. Introduction

This note has been prepared upon your instructions to supplement your objection submitted in response to the Sefton Metropolitan Borough Council Maritime Corridor CPO 2025 (“the CPO”).

The purpose of this note is to outline the compensation considerations and liabilities that would arise for the Council, as the “acquiring authority”, should it obtain powers and proceed to compulsorily acquire YHG’s land contained in the CPO, to enable construction of the Maritime Corridor Scheme (“the Scheme”).

2. Context of Conflict: the Council’s Scheme vs YHG’s Consented Development

YHG is the freehold owner of a strategically important brownfield site south of Heysham Road, Netherton (“the YHG Site”). The YHG Site benefits of full planning permission, secured on appeal (APP/M4320/W/24/3355665) for the development of 54 affordable residential dwellings. This development is recognised for its substantial public, environmental, social and economic benefits, whilst addressing the need for affordable housing in the area and wider Borough.

The Council’s proposed Scheme, in its current design, involves the acquisition of parts of the YHG Site, (specifically CPO Plots 1,2,4,8,9,10, and 11) for the construction of new infrastructure (cycleways and footpaths). However, this directly conflicts with YHG’s

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approved development, jeopardising the delivery and viability of this development, through several critical impacts:

- **Access Sterilisation:** Scheme proposes to introduce a shared cycle/pedestrian route off Heysham Road, which would block and extinguish the existing and only viable access into the YHG Site. This would effectively sterilise the entirety of the YHG Site, rendering it inaccessible and fundamentally unviable for the approved residential development.
- **Unacceptable Impact on Site Layout:** the proposed widening of the existing cycleway to approximately 5.3 metres would reduce the size of residential gardens for 11 plots at the northern end of the cycleway. This would potentially breach planning policy standards. Towards the southern end, the works would intrude further into the site layout and directly conflict with proposed dwellings.
- **Engineering Challenges and Costs:** the land required for cycleway widening presents significant challenges, rising from east to west. The Council's Scheme would involve substantial engineering operations, including excavation and retaining walls. This would be a costly and carbon-intensive process, raising concerns about the appropriateness of survey work and due diligence. YHG suggests a more cost-effective solution, which keeps the cycleway at its existing width, and integrates the pedestrian route into the proposed residential development. Pedestrians would use routes through the estate road, avoiding the need for expensive widening works and retaining walls and preventing impacts on residential layouts, a position further elaborated upon in the Proof of Evidence prepared by Doug Hann of WSP.
- **Connection to Sentinel Way:** the proposed footpath and cycleway at the southern end of the works would conflict directly with YHG's proposals access onto the YHG Site from Sentinel Way. This incompatibility would prevent access from Sentinel Way, further contributing to the sterilisation of the YHG Site.
- **Reduced Plot Sizes:** irrespective of the access issue, the proposed widening of the existing cycleway, as part of the Scheme, would directly impact the approved residential layout on the YHG Site by reducing the size of gardens for 11 residential plots and directly prohibiting the development of a further dwelling. We understand this reduction would cause the garden sizes to fall below the minimum standards required by planning policy, a variation unlikely to be accepted by the Local Planning Authority. You have advised that due to existing site constraints, such as a gas easement, there is no scope to reconfigure the layout to accommodate the cycleway widening without compromising the residential scheme. Consequently,

you have advised that this proposed amendment would lead to the loss of 12 housing units, thereby rendering the overall development unviable.

These conflicts as currently designed threaten the viability and deliverability of YHG's consented residential scheme.

3. Financial Implications

For the reasons set out above, there will be significant and avoidable financial implications to the public purse if the Council proceeds with the CPO as proposed.

The proposed Scheme would necessitate costly engineering works with the works including extensive excavation and retaining walls due to significant changes in ground levels. We note that YHG has engaged CPC Project Services to undertake a review of the anticipated works for the Council's cycleway in its current configuration. Based on current projections, these works are estimated to cost circa £500,000. If the CPO proceeds, the Council would not only be liable for this engineering cost but also legally obliged to pay compensation for the compulsory acquisition of the YHG Site and resultant loss of affordable housing. These combined costs highlight a less fiscally prudent approach compared to the alternative.

Adopting YHG's proposed solution offers substantial financial benefits, primarily by presenting a more cost-effective solution for the Scheme. By integrating the pedestrian route into the proposed residential development and maintaining the existing cycleway width where appropriate, YHG's proposal avoids the engineering challenges and all associated costs of extensive excavation and retaining wall construction that the Council's current scheme would incur.

4. Legal Basis for Compensation

If part of the YHG Site is acquired pursuant to the CPO, the Council, as acquiring authority, would be required to pay statutory compensation for the value of the land acquired, the impact to the value of any retained land, and for any other losses suffered consequently.

This right to compensation is primarily governed by the Land Compensation Act 1961 ("LCA 1961"), Land Compensation Act 1973 ("LCA 1973") and the Compulsory Purchase Act 1965 ("CPA 1965"). Compensation is typically assessed under various "heads of claim" which comprise:

- a. **Market Value (Rule 2, Section 5, LCA 1961):** the value of the land taken reflecting its open market value.

- b. **Severance (Section 10, CPA 1965):** the diminution in value of any retained land due to its separation from the acquired land.
- c. **Injurious Affection (Section 7, CPA 1965):** the diminution in value of any retained land due to the use of the acquired land by the acquiring authority.
- d. **Disturbance (Rule 6, Section 5, LCA 1961):** disturbance and any other matter not directly based on the value of land.
- e. **Professional Fees:** reasonable costs incurred in preparing and negotiating the claim.
- f. **Statutory Loss Payments (Section 33A of LCA 1973):** where a Claimant has a “qualifying interest” they are entitled to compensation for non-financial losses and inconvenience not covered by other heads of claim. The Basic Loss Payment is currently calculated as 7.5% of the market value, subject to a maximum payment of £75,000. However, the Planning & Infrastructure Bill, which has just passed through Parliament and due to come into force after Royal Assent in early 2026 will reduce the payment to 2.5% of the market value, subject to a cap of £25,000.

5. Compensation Considerations

YHG’s objection letter of the 9 July 2025 highlights that the Council’s proposals, in their current form, would lead to the “sterilisation” of the YHG Site by rendering it “inaccessible and undevelopable” (Page 9, 14). This would occur due to the blocking of the existing access point and conflicts with the proposed new access route.

If this scenario were to occur, the retained land would be severed. This would result in its physical separation from the access point and a disruption to its planned residential layout, thereby rendering the site inaccessible and unviable. As a direct consequence of this severance and the loss of development potential, leading to significant injurious affection and a diminution in the value of the retained land.

1. Market Value of the Entire Site

In order to put YHG back in no better, no worse a position (financially), in accordance with the compensation code, the compensation would reflect the open market value of the entire YHG Site (as the retained land would no longer be capable of development), assessed with the benefit of the residential planning consent. This valuation would naturally incorporate the uplift in value attributable to the planning consent, acknowledging YHG’s efforts in obtaining it, as opposed to an undeveloped or unconsented state.

2. Disturbance Compensation

This will cover all losses directly attributable to the compulsory acquisition of the land, that are not covered by the Market Value of the land. For YHG, this could include:

- **Aborted costs:** the costs incurred in preparing the YHG Site for development, which could encompass items such as a planning application and design fees, site investigation costs, legal fees and other pre-construction expenses.
- **Loss of Opportunity/Profit:** While Market Value captures commercial profit, for YHG, compulsory acquisition preventing development represents a critical loss of opportunity to reinvest funds into affordable housing. This directly impedes our charitable objectives, impacts housing provision in the Borough, and prevents us from fulfilling our social purpose – aspects not adequately captured by standard Market Value.
- **Reinvestment Costs:** if an interest in property is acquired by CPO, the owner may incur incidental charges or expenses in acquiring an interest in other land (“re-investment costs”). Under Section 10A LCA 1961, the owner of a property may be able to recover these costs if they are incurred in acquiring an alternative property in the UK within 12 months of the valuation date.

3. Professional Fees:

The Council would be required to reimburse all reasonable professional fees incurred by YHG in preparing and negotiating the compensation claim. This includes, but is not limited to, the fees of specialist compulsory purchase surveyors, legal advisors, and other expert consultants.

In the event that the parties cannot agree on the quantum of compensation, there is also a general presumption that the Council will be liable for the YHG's costs should the matter be referred to the Upper Tribunal (Lands Chamber) for determination.

If a solution was identified that enabled some form of access to the YHG Site to be retained, the loss could still be substantial. YHG's objection letter identifies this would still result in the loss of 12 residential units from the approved 54-unit scheme and "thus likely render the site unviable" (Page 15). This scenario represents a partial acquisition and a significant reduction in the scale and viability of the remaining development and appears likely to still result in substantial compensation claim being made by YHG.

6. Conclusion

The Council's continued pursuit of the Maritime Corridor CPO 2025, in its current form, raises concerns regarding its approach and potential for substantial cost implications. The Council's scheme directly conflicts with approved development and effectively sterilises the YHG Site by eliminating the access point and reducing plot sizes to an unviable extent, thereby either reducing the opportunity for development of the YHG Site or preventing it entirely.

Financially, proceeding with the CPO would impose a substantial and unjustified burden on the public purse. Beyond the direct development costs of the Council's scheme, which has been estimated at circa £500,000 and which involves complex and expensive engineering due to challenging ground conditions, the Council would legally be obliged to pay substantial compensation to YHG. These are not speculative and would include the market value of YHG's entire site, assessed with the benefit of its full planning permission for 54 homes, in accordance with the Land Compensation Act 1961. Furthermore, the Council would be liable for significant disturbance costs, potentially including all aborted expenses, loss of opportunity and profit, potential reinvestment costs. All reasonable professional fees incurred by YHG in preparing and negotiating this claim would also fall to the Council. Should the quantum of compensation be disputed, the Council faces the additional risk of further costs and protracted proceedings before the Upper Tribunal (Lands Chamber).

The alternative proposal which retains the width of the existing cycleway but integrates the pedestrian route through YHG's Site as part of their housing scheme, presents a viable alternative, the cost of which would be deliverable at YHG's expense rather than the Council's, therefore offering significant savings to the public purse. The CPO Scheme, as currently designed, would lead to the loss of much-needed affordable housing and incur significant, avoidable expenditure, directly conflicting with the public interest, and its confirmation would represent a significant misallocation of public resources and a missed opportunity to deliver critical affordable housing.

Appendix D

YHG DELIVERY DOCUMENT





Youghle House
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Birchwood
Warrington
WA3 7QH

Who are Your Housing Group?

Your Housing Group (the Group or YHG) is one of the largest registered providers of affordable housing in the UK, owning and managing over 29,000 homes across the North West, Yorkshire and the midlands. We also hold a G1 rating, which is the highest governance rating as awarded by the Regulator.

Also, as referenced in our annual financial report for year ended 31 March 2025, we completed 400 new homes across ten live newbuild sites, as well as acquiring 112 existing general needs homes in Partington from London and Quadrant housing, to further bolster our existing housing portfolio in that area. In addition, we have invested over £12m in our building safety programme, invested a further £13m into existing customer's homes, achieved TPAS accreditation for our customer involvement and engagement and obtained an additional £100m of funding from a new private placement bolstering our liquidity position for the next 30 years.

The Group Provides:

- Affordable homes to rent
- Hostels and Foyer accredited schemes, which support vulnerable people
- Specialist retirement solutions for older people
- Homes for, both outright sale and through shared ownership
- Community regeneration schemes, creating sustainable neighbourhoods
- Private Rent Sector (PRS) lettings

YHG was formed in 2012 following the merger of two social housing associations: Harvest and Arena. This brought together two financially strong organisations covering Merseyside, Greater Manchester, Lancashire, Staffordshire and Yorkshire and that created one of the country's largest housing associations with over 290,000 properties combined.

Arena, formerly Liver Housing Association, had circa 14,000 homes consisting of general needs, over 55's and supported housing. Arena was formed in 2006.

Harvest was formed in 1964 and owned circa 18,000 properties that were mainly general needs homes and retirement living.

YHG consolidated all that portfolio, expertise and experience of delivering and managing developments and properties and, Your Housing Limited was formally created in 2017, which is the entity that owns all our homes today.

Project Examples

The following provides an overview of relevant new build housing projects (including all required infrastructure) completed or live, within the last two years to date. These projects have all been in receipt of grant funding from Homes England in the form of Strategic Partnership and/or Recycled Capital Grant Fund (RCGF), with additional grant funding from Greater Manchester Combined Authority (GMCA) and Liverpool City Region (LCR) in the form of Brownfield Grant Funding (BGF). These projects are a mixture of land that we have acquired ourselves and then tendered a main contractor for delivery and, projects where a main contractor/developer has brought the land and works package to us to work in partnership with them. Several of the projects listed below have, or are, being delivered with contractors on a repeat business basis as follows:

- MCI Developments 5 projects
- Westchurch Homes 3 projects
- Lovell Partnerships 2 projects
- Forshaw Contracting 2 projects

Live Projects:

Watermills, Newcastle Under Lyme – 67 new homes in build. 45 shared ownership and 22 social rent. Funded using circa £2,79m Homes England grant, circa £0.23m RCGF grant and YHG loan and finance facilities.

Century Mill, Bolton – 106 new homes in build. 50 affordable rent and 56 shared ownership. Funded using circa £5.07m of Homes England grant, circa £1.57m of GMCA BGF and YHG loan and finance facilities.

Wade Works Phase 1, Northwich – 151 new homes in build. 24 affordable rent, 36 social rent, 40 shared ownership, 18 rent to buy and 33 open market sale. Funded using circa £6.92m of Homes England grant and YHG loan and finance facilities.

Bournes Bank, Burslem – 43 new homes in build. 25 affordable rent, 5 shared ownership, 13 rent to buy. Funded using circa £2.03m of Homes England grant and YHG loan and finance facilities.

Charter Lane, Charnock Richard – 76 newbuild homes. 40 shared ownership and 36 affordable rent. Funded using circa £3.85m of Homes England grant and YHG loans and finance facilities.

Halsnead Garden Village, Whiston – 158 newbuild homes. 90 shared ownership, 38 affordable rent and 30 rent to buy. Funded using circa £7.55m of Homes England grant and YHG loan and finance facilities.

Cale Lane, Wigan – 38 newbuild homes. 19 shared ownership and 19 affordable rent. Funded using circa £2.6m Homes England RCGF and YHG loan and finance facilities.

Completed Projects:

Waterside Point, Leigh – 236 newbuild homes completed. 113 affordable rent and 123 shared ownership. Funded using circa £9.55m of Homes England grant and YHG loan and finance facilities.

St Georges Road, Bolton – 58 new build homes completed. 18 rent to buy and 40 shared ownership. Funded using circa £1.74m Homes England grant and YHG loan and finance facilities.

Manor Gardens, Hartford – 108 shared ownership homes now completed. Funded using circa £6.6m Homes England grant and YHG loan and finance facilities.

Eldercot Park, Bolton – 214 newbuild homes completed. 119 shared ownership, 67 rent to buy and 48 affordable rent. Funded using circa £9.99m of Homes England Grant and YHG loan and finance facilities.

Whitefield Drive, Kirkby – 266 newbuild homes completed. 115 affordable rent, 106 shared ownership and 45 rent to buy. Funded using circa £10.71m of Homes England grant and YHG loan and finance facilities.

Manor Street, St Helens – 46 affordable rent newbuild homes completed. Funded using circa £2.54m of Homes England grant, circa £0.69m of BGF and YHG loan and finance facilities.

Edgefield Green, Manchester – 216 newbuild homes completed. 51 affordable rent, 95 shared ownership, 52 rent to buy and 18 social rent. Funded using circa £9.03m of homes England grant and YHG loan and finance facilities.

Pipeline Projects:

These are projects where the site is on our ownership already and we are in receipt of planning approval, but the project is yet to be programmed for commencement.

Wade Works Phase 2, Northwich – 97 newbuild homes with planning approval. Proposed as 39 outright sale, 11 affordable rent, 14 rent to buy and 33 shared ownership. Funding will be via a Homes England grant application process and YHG loan and finance facilities.

Wade Works Phase 3. Northwich – 132 newbuild homes with planning approval. Proposed as 42 outright sale, 21 affordable rent, 22 rent to buy, 31 shared ownership, 16 social rent. Funding will be via a Homes England grant application process and YHG loan and finance facilities.

Halsnead Phase 2, Whiston – 81 newbuild homes with planning approval. 100% affordable. Funding will be via a Homes England grant application process and YHG loan and finance facilities.

Ten Acres Lane, Manchester – 716 newbuild homes and school with hybrid planning approval. Tenure split TBC. Separate planning approval to remediate the site in advance of housing. Site is a former landfill and is also subject to an Environment Agency treatment permit process that is ongoing. Funding will be via a Homes England grant application process and YHG loan and finance facilities. The project has already received a tranche of GMCA BGF to the value of £3.7m with a further tranche of GMCA BGF to the value of 5.25m approved.

Heysham Road Project Delivery Programme:

54 newbuild homes with planning approval. Proposed 27 affordable rent and 27 shared ownership.

Funding will via a Homes England grant application process and Homes England have been notified of the delivery programme in advance. LCR have also been notified of the programme with a request for BGF grant. The BGF request has been supported by the Sefton Council Strategic Housing Officer Cecilia Micklethwaite. Other funding will be via YHG loan and finance facilities.

The project is now subject to a two stage Procurement Act compliant tender process via JV North with the following programme being complied with to achieve the signing of a design and build contract with a contractor before March 2026 for Homes England compliance. The following programme milestones are taken from the contractor's tender return who has scored the highest out of the seven tender submissions received.

- Commencement of tender 20/10/25 – Completed
- Tender returns 20/11/25 – Completed
- Evaluation of tenders and recommendation of contractor 01/12/25 – Completed
- JCT Design and Build Contract February 2026
- Site possession by contractor 01/03/26
- Site work completed 29/06/27

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کی تھا نہیں مدد لے جیں دی رہے؟

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