

S1.2 – Statement of Reasons

**Statement of Reasons in support of the Isle of Wight Council
(Undercliff Drive Highway Realignment) Compulsory Purchase Order,
2006**

1. The Isle of Wight Council (Undercliff Drive Highway Realignment) Compulsory Purchase Order (“the Order”) is made in order to achieve the satisfactory stabilisation of an area of land known on the Island as the Undercliff.
2. The area became inhabited in Victorian times. It contains villas and country houses, and is now home to many residential properties and a number of local businesses including hotels, campsites, market gardens and the Botanic Gardens. It is also an area of outstanding natural beauty (AONB), and a site of special scientific interest (SSSI). The Undercliff is a popular tourist destination, and many local businesses rely on the A3055 Niton and St Lawrence, known as the Undercliff Drive, which is also a strategic route in highways terms linking the southeast of the Island to the southwest.
3. The order land comprises 18 parcels, in four areas along the Undercliff Drive. The acquiring authority is the Isle of Wight Council (“the Council”) and it is both highways and local planning authority for the area within which the order land is situated. The Council intends to acquire the freehold of plots 1-12 and 15-18 and easements over plots 13 and 14. More detail is provided in the order itself and in the paragraphs which follow.
4. As a result of the geological features of the Undercliff, including gault clay, greensand and sandrock, backed to the north by a substantial cliff, the area is prone to slippage and there was a substantial landslide in 2001. It was this that led to the temporary works which have taken place, and this that forms the background to the decision to stabilise the area for the foreseeable future. Planning permission for a comprehensive scheme of engineering works for that purpose was granted in 2005. The temporary works carried out following the earlier landslide have ensured access has been maintained to date to properties along the Undercliff Drive, in part along a new section of carriageway.
5. The area in which the works are to be carried out has decreased but all these works will fall within the compass of the existing planning permission.
6. Side Roads Orders will need to be made in conjunction with the Compulsory Purchase Order. These Orders will be made under s,14 and s,125 of the Highways Act 1980 to stop up an existing access onto the highway, create new accesses onto the highway, improve existing highway, create classified highway and reclassify a length of highway which will become footpath.

7. The Council has consulted fully with English Nature throughout. Mitigation works such as the provision of bat roosts and replanting are included in the scheme.
8. Whilst the properties to be affected include a Caravan Park, a hotel and a number of private residences, the parcels within the order are mostly woodland and/or scrub land and several have been affected dramatically by the 2001 landslides. An exception is the property known as Woodington (plot 15), a dwelling and associated land which is to be acquired in its entirety and demolished.
9. In addition the works proposed affect the line of three public footpaths which it is intended to reinstate along the same or similar alignment, so far as that is possible and appropriate following the landslide which has taken place and the extent of the proposed works. Any necessary diversion of these footpaths is to be achieved by means of appropriate orders.
10. The Council is empowered to make this order under the Highways Act 1980. Authority to proceed was confirmed by recent resolution of the Council's Cabinet following consideration of the report attached to this Statement of Reasons as an Annex.
11. The Council's principal objectives in making the order are as follows
 - a. To construct (along a new line) and/or improve the Undercliff Drive ;
 - b. To protect the Undercliff Drive from landslide;
12. Careful consideration has been given to the rights set out in Article 8 and Article 1 of Protocol 1 to the European Convention on Human Rights both by officers and by members of the acquiring authority when authorising the use of compulsory purchase powers. There will be some interference with the convention rights of landowners. However, having regard to the public interest in the highway realignment scheme and the economic and social consequences of it, together with the assistance and compensation that will be provided to those displaced or affected, it is considered that the degree of interference (if any) is proportionate to the legitimate aim of the Council and necessary in the public interest.
13. Article 8 can only be said to be engaged by the purchase of plots 15 and 16 The Council has made some progress in negotiating the purchase of Woodington (plot 15) at market value, so enabling the occupiers to re-house themselves. Plot 15 is acquired to provide a new access to Timber. Overall the works will provide this property with some prospect of stability in the long term, and the impact on the occupiers of Timber is considered acceptable. In relation to each of these properties, any interference with the right of the occupiers to respect for their home is considered to be necessary and proportionate as required by Article 8.

14. The Council has been awarded subject to the statutory procedures being completed £12.88 million to carry out the scheme, which is to be made available by the Department for Transport once the land has been acquired.
15. The Council has endeavoured to acquire the necessary plots of land by agreement, with some success, and will continue to negotiate in parallel with the necessary procedures for compulsory purchase.
16. All relevant land owners have been identified save those of plots 7 and 18, who remain unknown despite the Council's best endeavours. The owners of some of the other plots have as yet failed to formally confirm their ownership. However, the Council has done all it is required to do to identify the correct owners of each plot and has served requisitions for information under s5A of the Acquisition of Land Act 1981. It is believed that those named as owners in the order are correctly so named.
17. In the event of an Inquiry the Council will refer to documents and plans which will be available for inspection free of charge for two months before and during the inquiry at
 - a. the reception of County Hall, Newport
(8.30am-5.00pm Mon-Thurs and 8.30am-4.30pm Fri)
 - b. the Planning Office at Seaclose Newport
(8.30am-5.00pm Mon-Thurs and 8.30am-4.30pm Fri)
 - c. the Ventnor Botanic Gardens
(10.00am-6.00pm daily)
 - d. the Ventnor Public Library
(9.30am-12.30pm then 1.30pm-5.00pm Mon, Thurs, Friday
2.00pm-7.00pm Wed and 9.30am-12.30pm then 1.30pm-4.30pm Sat)
 - e. the Sandown Public Library
(9.30am-5.30pm Mon, Thurs, Fri and 9.30am-4.30pm Sat)
18. The documents will include
 - a. All relevant cabinet reports
 - b. relevant copy correspondence with land owners;
 - c. copies of all requisitions served;
 - d. all plans;
 - e. statement of reasons;
 - f. notices served on both land owners/occupiers;
 - g. notices in the County Press;
 - h. legal agreement with English Nature;
 - i. planning permission;
 - j. Unitary Development Plan (policy TR12 – The Strategic Road Network).

19. Those who wish to inspect any relevant document at an earlier stage should either visit one of the 5 venues referred to in paragraph 17 above where documents will be available from Friday 1 December 2006 or make enquiries to Kim Trevallion at County Hall, Newport, Isle of Wight (01983 823216)