



REPORT OF LEADER OF THE COUNTY COUNCIL

GEDLING ACCESS ROAD (GAR) – LAND ACQUISITIONS

Purpose of the Report

1. To seek approval to the acquisition of land required for the Gedling Access Road on the terms as set out in the exempt appendix relating to 6.534 acres of land east of Lambley Lane, Gedling and 1.725 acres of land to the north-west side of Ranch Boarding Kennels, Whitworth Drive, Burton Joyce.

Information

2. This report contains an exempt appendix, which is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) (Information relating to any individual and the business affairs of a particular person (including the authority holding that information)). The exempt appendix provides details of the terms agreed with private landowners and forms part of confidential negotiations and disclosure of this information would not be in the public interest. To disclose this financial information would prejudice the parties' commercial interests and those of third parties.
3. In addition, terms have been agreed in accordance with the Ministry of Housing, Communities and Local Government (MHCLG) guidance in respect of factors for an acquiring authority to consider when offering compensation in advance of a Compulsory Purchase Order. Section 3 of this guidance provides that an acquiring authority should consider the costs of order promotion and dealing with objectors in seeking to reach early agreement. In reaching agreement, assumptions have been made regarding potential future heads of claim that are not capable of assessment at the date of this report. In the event an order is made and confirmed compensation will be assessed with strict adherence to the matrix of enactments and case law that make up the compensation code. Disclosing the exempt appendix could prejudice the position of the County Council as acquiring authority and would therefore not be in the public interest.
4. At locations where the County Council may potentially deliver a large-scale transport improvement in the future, the County Council can 'safeguard' the land along the alignment of its potential route to protect the route from future development that may prevent the scheme from progressing. In this case, the County Council has been safeguarding proposals for a Gedling village bypass for over 50 years. The Gedling Access Road forms part of proposals for the A612 Nottingham Eastern Outer Loop Road which has, with the exception of the eastern most section around Gedling village, been successfully completed by the County Council. The Gedling Access Road will connect directly to the most recently constructed phase (the Gedling Major Integrated Transport Scheme) which opened to traffic in 2007.

5. The role of the Gedling Access Road is twofold. Primarily, the new road will enable the sustainable redevelopment of the former Gedling Colliery site for mixed-use purposes by providing safe and adequate access to the proposed residential, employment and community related uses proposed for the site. Secondly, it will also provide a 'bypass' around Gedling, providing improved connectivity to the wider road network. In doing so, the Gedling Access Road will ease traffic congestion on other roads surrounding the former colliery site that at present are either at or nearing capacity.
6. The Gedling Access Road is being delivered by the County Council in partnership with Homes England, Gedling Borough Council and Keepmoat Homes Limited (housing developer for the Chase Farm site). At its Full Council meeting in February 2014 the County Council resolved to incorporate funding of £5.4m into its capital programme to support the delivery of the Gedling Access Road.
7. The Compulsory Purchase Order and Side Roads Orders (together these are the "Orders") required to deliver the Gedling Access Road were made by the County Council on 25 October 2018. The Orders were confirmed by the Secretary of State for Transport on 08 October 2019.
8. In accordance with guidance published in 2018 (updated from 2015 to reflect legislative changes and case law) by the Department for Housing, Communities and Local Government, the County Council has consulted with stakeholders during the process and are seeking to acquire the necessary land and rights by agreement where possible.
9. The MHCLG guidance provides that where land and rights are purchased by agreement the acquiring authority should pay compensation as if the interest has been compulsorily acquired. The valuations have been prepared in accordance with Rule 2 of Section 5 of the Land Compensation Act 1961 and the professional standards to the Royal Institution of Chartered Surveyors: RICS Valuation – Global Standards 2017 and the RICS Valuation – Professional Standards UK (January 2014, revised April 2015), commonly known together as the red book. The level of payment offered has also taken into account the accepted compensation principles running through Compulsory Purchase Order legislation.
10. Homes England as part of its funding agreement with the County Council is making £7m available to draw down funds for land acquisitions as they progress that is drawn down as land purchases are agreed and approved.
11. Without acquiring these parcels of land, either through agreement or via the CPO process, the proposed works cannot be delivered. Previous Committee approvals stipulate that wherever possible; land will be acquired by agreement and early access to the land will enable site clearance works and landscaping to be implemented to help mitigate the impact of the Gedling Access Road during construction and its operation.
12. The route of the Gedling Access Road passes through several private land interests, three of these are described below and approval is sought to acquire by agreement.

Land East of Lambley Lane, Gedling

13. The route passes through 26,444 sq. metres (6.534 acres) of agricultural land to the east of Lambley Lane, designated as Plot 48 in the Order. The land is Grade 3 agricultural land and farmed by the business of the Owner, it is situated on the edge of

the urban envelope and was previously subject to a call option made between the owners and housing developer. An option is a device that allows the developer to buy an “opportunity” to buy the land itself later and this was held for a total of 13 years before lapsing in 2008. The land being acquired is part of a wider land parcel, title NT64652.

14. The area of agricultural land required is shown on drawing HW00590/323 and a location plan of the site on HW00590/324.

Land to the North-West side of Ranch Boarding Kennels, Whitworth Drive, Burton Joyce

15. The route passes through 6,979 sq. meters (1.725 acres) of agricultural land to the north-west side of Ranch Boarding Kennels, Whitworth Drive, Burton Joyce, designated as Plot 57 in the Order. The land is Grade 3 agricultural land and at the date of this report is unoccupied grassland. The land is not accessible from public land and access is over adjacent private land and reserved by way of a conveyance dated 20 December 1960 in respect of adjacent land. The land being acquired is part of a wider land parcel, title NT543250.

16. The area of agricultural land required is shown on drawing HW00590/325 and a location plan of the site on HW00590/326.

Other Options Considered

17. To acquire the land through a General Vesting Declaration or Notice to Treat and Enter adds an element of uncertainty as to the level of compensation due to the landowner. These options are available should acquisition by agreement not be completed within the required timescales. Acquisition in advance enables early access to land for any advanced works that are deemed useful to reduce risks on the main construction works such as ecology mitigation measures.

Reason/s for Recommendation/s

18. To secure the land necessary to deliver the GAR in a timely and cost effective manner.

Statutory and Policy Implications

19. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Finance Implications

20. This land acquisition will be funded from an external grant.

RECOMMENDATION/S

It is **recommended** that:

- 1) Approval is given to the acquisition of land required for the Gedling Access Road on the terms as set out in the exempt appendix relating to 6.534 acres of land east of Lambley Lane, Gedling and 1.725 acres of land to the north-west side of Ranch Boarding Kennels, Whitworth Drive, Burton Joyce.

Councillor Mrs Kay Cutts
Leader of the County Council

For any enquiries about this report please contact:

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T – 0115 977 3118

Constitutional Comments (CEH 24/10/2019)

21. The recommendation falls within the remit of Policy Committee under its terms of reference.

Financial Comments (GB 31/10/2019)

22. The costs associated with the purchase of land set out in this report will be funded from the £40.9m Gedling Access Road capital budget which is already included within the Communities and Place capital programme

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Communities and Place Committee Report dated 4 July 2019
Gedling Access Road – Progress Report
- Finance and Major Project Committee Report dated 14 February 2019
Gedling Access Road – Update Report
- The Nottinghamshire County Council (B684 to A612 Link Road) A6211 Gedling Access Road (Side Roads) Order 2018 and The Nottinghamshire County Council (Gedling Access Road) Compulsory Purchase Order 2018 – Available at:
www.nottinghamshire.gov.uk/GAR
The Order can be found on the above link, together with the statement of case, proof of evidence and core documents produced for the Public Inquiry
- Communities and Place Committee Report dated 8 March 2018 – Scheme Update
Gedling Access Road – Scheme Update
- Transport and Highways Committee Report dated 16th March 2017
Gedling Access Road – Scheme Update, Compulsory Purchase Orders and Side Roads Orders
- Finance and Property Committee Report dated 19th September 2016
Gedling Access Road - Scheme Update and Funding Agreement
- Transport and Highways Committee Report dated 21st September 2016
Gedling Access Road – Scheme Update, Compulsory Purchase Orders and Side Roads Orders
- Finance and Property Committee Report dated 24 March 2014
Gedling Access Road, Scheme Development and Funding Agreements

- Report to County Council dated 27 February 2014
Capital Programme 2014/15 to 2017/18
- D2N2 Local Growth Fund – Local Assurance Framework – Available at:
http://www.d2n2lep.org/write/Local_Assurance_Framework_final_version.pdf

Electoral Division(s) and Member(s) Affected

Arnold North	Councillors Pauline Allan and Michael Payne
Arnold South	Councillors John Clarke and Muriel Weisz
Carlton East	Councillor Nicki Brooks
Carlton West	Councillors Errol Henry and Jim Creamer
Calverton	Councillor Boyd Elliott
Newstead	Councillor Chris Barnfather