

REPORT OF LEADER OF THE COUNTY COUNCIL**GEDLING ACCESS ROAD (GAR) – LAND ACQUISITIONS
RANCH KENNELS, WHITWORTH DRIVE, BURTON JOYCE AND GLEBE
FARM, LAMBLEY LANE, GEDLING****Purpose of the Report**

1. To seek approval to the acquisition of land required for the GAR on the terms as set out in the exempt appendix relating to 0.189 acres of land at The Ranch Kennels on Whitworth Drive in Burton Joyce and 4.6 acres of land at Glebe Farm on Lambley Lane in Gedling.

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 This report contains an exempt appendix, which is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) (Information relating to any individual and the business affairs of a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 (CPO). 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 Nottinghamshire County Council (NCC) as acquiring authority and would therefore not be in the public interest.
4. NCC has been safeguarding proposals for a Gedling village bypass for over 50 years. This scheme 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 NCC. The Gedling Access Road (GAR) 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 GAR is twofold. Primarily, GAR 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. GAR will also provide a 'bypass' around Gedling, providing improved connectivity to the wider road network. In doing so, GAR will ease traffic congestion on other roads surrounding the former colliery site that at present are either at or nearing capacity.
6. The GAR is being delivered by NCC in partnership with Homes England (HE), Gedling Borough Council and Keepmoat Homes Limited (housing developer for the Chase Farm site). At its Full Council meeting in February 2014 NCC resolved to incorporate funding of £5.4m into its capital programme to support GAR.
7. At the Transport and Highways Committee meeting of 19 March 2017 approval was given to make, advertise, obtain confirmation and implement a CPO and Side Road Orders (SRO) required to construct the GAR. This report detailed the process to implement the Orders including information related to a Public Inquiry. The CPO and SRO will be made during October 2018.
8. In accordance with guidance published in 2018 (updated from 2015 to reflect legislative changes and case law) by the MHCLG, NCC has consulted with stakeholders during the process and are seeking to acquire the necessary land and rights by agreement where possible.
9. HE as part of its funding agreement with NCC is making £7m available to draw down funds for land acquisitions as they progress. As land purchases are agreed and approved, NCC will submit invoices to the HE for the purchase monies as necessary.
10. 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 for Glebe Farm and Ranch Kennels 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 CPO legislation.
11. Without acquiring these parcels of land, the proposed works cannot be delivered. Previous Committee approvals stipulate that where ever 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 GAR during construction and its operation.

Ranch Kennels, Whitworth Drive

12. The Ranch Kennels is situated at the top of Whitworth Drive in Burton Joyce and the land in question is currently under freehold private ownership and the property is occupied. The property is a detached home in approximately 2.5 acres of grounds configured as two rectangular plots with the house in 1 acre of gardens to the south and a paddock of 1.5 acres abutting to the north. The land required for construction of the GAR is part of the paddock land equating to 0.189 acres.

13. Whitworth drive is a private road with a single point of access from Nottingham Road Service Road off the Burton Road / A612 junction. Currently the aspect of the property is semi-rural with views over open countryside to the north and west. Following the construction of the GAR the boundary of the new carriageway will be approximately 30m from the western elevation of the house. The boundary treatment will comprise of a close boarded fence, landscaping buffer and noise attenuation fence which will abut the highway verge.
14. The outlook at Ranch Kennels will be changed by the GAR and when mature the landscaping buffer alongside the new road will provide some screening but it is anticipated that larger vehicles passing in either direction will be visible above the close boarded fencing. Whilst the property experiences some existing traffic noise from the A612 (Colwick Loop Road) it is expected that there will be an increase in noise levels when the scheme is in use, this will be minimised by the introduction of acoustic fencing on the Whitworth Drive side of GAR.
15. The area of land required on the Ranch Kennels site is shown on drawing HW00590/199 and a location plan of the site on HW00590/200.

Glebe Farm, Lambley Lane

16. Glebe Farm is situated on Lambley Lane in Gedling and partial acquisition of Glebe Farm site is required to facilitate the construction of GAR. The parcel of land in question is currently under freehold private ownership with vacant possession. There is currently a short-term grazing licence on the site.
17. The area of the Glebe Farm site in its entirety is approximately 6.46 acres. The land required for construction of GAR is 4.6 acres, this includes derelict farm buildings that will be demolished to deliver GAR.
18. The area of land on the Glebe Farm site required to deliver GAR is shown on drawing HW00590/197 and a location plan of the site on HW00590/198.

Other Options Considered

19. To leave the acquisition until the CPO is confirmed. This adds an element of uncertainty as to the level of compensation due to the landowner should the CPO be confirmed. It is likely that without this agreement an objection to the CPO and SRO will be forthcoming. If objections to the CPO and SRO are made, then the likelihood of the Secretary of State requiring a public local inquiry to consider both orders increases.

Reason/s for Recommendation/s

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

Statutory and Policy Implications

21. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the public-sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working 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

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

RECOMMENDATION/S

It is **recommended** that:

- 1) That approval is given to the acquisition of land required for the GAR on the terms as set out in the exempt appendix relating to 0.189 acres of land at The Ranch Kennels on Whitworth Drive in Burton Joyce and 4.6 acres of land at Glebe Farm on Lambley Lane in Gedling.

Councillor Mrs Kay Cutts
Leader of the County Council

For any enquiries about this report please contact:

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Constitutional Comments (CEH 21/09/2018)

23. The recommendation falls within the delegation of Policy Committee under its terms of reference.

Financial Comments (GB 20/09/2018)

24. The financial implications are set out within the report.

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 dated 8th March 2017
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
- Greater Nottingham (Broxtowe Borough, Gedling Borough, Nottingham City) – Aligned Core Strategies Part 1 Local Plan – Adopted September 2014
- 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	Councillors Nicki Brooks
Carlton West	Councillors Errol Henry and Jim Creamer
Calverton	Councillor Boyd Elliott
Newstead	Councillor Barnfather