

16 December 2013**Agenda Item: 9(b)****REPORT OF SERVICE DIRECTOR TRANSPORT, PROPERTY &
ENVIRONMENT****PROPOSED DISPOSAL OF LAND BENEATH CLIFTON ROAD BRIDGE,
CLIFTON LANE, RUDDINGTON, NOTTINGHAM****Purpose of the Report**

1. To seek approval of the Finance and Property Committee to the disposal of land beneath Clifton Road bridge, Clifton Lane, Ruddington.

Information and Advice

2. Some information relating to this report is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972. Having regard to the circumstances, on balance the public interest in disclosing the information does not outweigh the reason for exemption because divulging the information would significantly damage the Council's commercial position. The exempt information is set out in the exempt appendix.
3. On 26 April 2007 the Clifton Road Bridge and embankment areas of land were transferred from British Railway Board (Residuary) Ltd to Nottinghamshire County Council, the transfer included the land beneath the span of the bridge.
4. The East Midlands Railway Trust Ltd (formerly Great Central Railway (Nottingham) Ltd)) are in the process of purchasing the remains of the railway property to either side of the bridge, however without purchasing this parcel of land they would not be able to run the trains along this particular section of track.
5. It is an area of disused railway line, effectively two sections of track – one section running North and the other South, the site is just off Clifton Road within Ruddington. The total length of the track for both North and South is approx 80 metres, total width (incl. embankments) is around 30m, total area is therefore approx 0.59 acres.
6. In 2009 during negotiations of a nearby private housing development it was identified that the construction of a footway running parallel to Clifton Road along the South side of the bridge would be desirable. However at that time it was not known whether such a project would be feasible or would offer good value for money. In addition, the County Council had not received any requests for such a facility from the public and consequently, it was decided that the project should be

given a low priority particularly as there was no funding available at the time. As a result of the feasibility the land was identified as being surplus and following a request to purchase the land by the East Midlands Railway Trust Ltd (EMRT). Approval was granted at Finance and Property Portfolio on 30 January 2012 to the disposal of this land..

8. However, following the report being approved concerns were raised by the public, a school governor and Parish Councillor about child safety along the footway over the bridge and as a result the proposed disposal was put on hold pending further investigations.
9. Their investigations confirmed that the existing footway on the bridge is of substandard width with no affordable way to widen it which is made worse by the presence of vegetation which significantly reduces the practical width for the footway.
10. A solution is to progress the original proposal to create a path/cycleway over the disused railway line as shown on the attached plan. This path/cycleway involves using some land within County Council ownership together with land within the ownership of the EMRT.
11. In order to enable the project to proceed and ensure the County Council are not left with maintaining a surplus parcel of land it is proposed that part of the land to be disposed would be dedicated as highway land. In addition, in order to facilitate the path an area within the ownership of EMRT would also need to be dedicated. The dedications shall take place simultaneously with the transfer.
12. As a result heads of terms have been amended to reflect the above and revised approval is required to dispose of the land on the basis of the terms contained within the exempt appendix.

Other Options Considered

13. Retaining the land – This is not considered an option as the County Council do not own either side of the track and the County Council would still be left with the liability of maintaining the land. In addition this would render EMRT's long term aspirations to reopen the line unachievable.

Reason/s for Recommendation/s

14. A disposal of the land would generate a capital receipt and offload all liabilities associated with the land whilst at the same time it would enable the project to create a path/cycleway to proceed.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), 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.

RECOMMENDATION/S

1. That approval is given to the disposal of land beneath Clifton Road Bridge, Ruddington, Nottingham.

Jas Hundal

Service Director – Transport, Property & Environment.

For any enquiries about this report please contact: Luke Smith, 0115 9772082

Constitutional Comments (SSR 20.11.2013)

16. This decision falls within the scope of decisions which may be approved by the Finance and Property Committee.

Financial Comments (TMR 12.11.13)

17. The sale will generate a capital receipt which will be used to help fund the Capital Programme.

Background Papers and Published Documents

18. None.

Electoral Division(s) and Member(s) Affected

19. Ward(s): Ruddington
Member(s): Councillor Reg Adair

File ref.: /LS/SL/

SP: 2553

Properties affected: 70209 - Land & Bridge at Ruddington, Clifton Lane