

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 0.005 acres of land at 6 Chartwell Grove, Mapperley, 0.120 acres of land at the walled garden and woodland on land east of Gedling House off Wood Lane, Gedling and 0.152 acres of Crown land off Mapperley Plains.

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 This report contains an exempt appendix, which is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) (Information relating to any individual and the business affairs of a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, there was a 6-week period within which affected or interested parties could make representations in objection to the Orders, this expired on the 21 December 2018.
8. In total nine objections were received to the Orders and in response to the objections received, the County Council on 18 February 2019 prepared and submitted the Statement of Case to the Inquiry in its capacity as acquiring authority pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 (2007/3617). On 26 February 2019 National Transport Casework Team (NTCT) advised the County Council that Inspector J Wilde had been appointed to open the Inquiry at 10am on Tuesday 11 June 2019 with an expected duration of 5 days.
9. Objections were all withdrawn in advance of the Inquiry being formally opened. Accordingly, the Planning Inspector confirmed that all the statutory objections had been satisfactorily resolved and therefore decided there was no need to proceed with the Public Inquiry. It is expected that this will enable a positive decision to be issued that will enable the Orders to be confirmed.
10. The County Council have been advised to expect to receive confirmation of the Orders within 10 weeks of the associated Exchange Land Certificate being issued by the Secretary of State for Housing, Communities and Local Government, this is required as common land on the periphery of the County Park is included in the Orders. Confirmation of the grant Exchange Land Certificate was received by the County Council on 26 September 2019 and the County Council is seeking an update on the status of the Orders.
11. 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.
12. 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.

13. 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.
14. 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.

Chartwell Grove, Mapperley

15. 6 Chartwell Grove situated at the head of Chartwell Grove in a good-sized level garden plot of approximately 999 sq. metres (0.247 acres). The north western boundary of the property plot is to Mapperley Plains which is a busy traffic access route. The Gedling Access Road will run to the south west of Chartwell Grove and a small triangular area of land at the rear corner of the garden plot is required for the delivery of the Gedling Access Road, the area of land being acquired is currently in use as road verge but is part of the formal garden plot to the property and equates to 20sq metres (0.005 acres).
16. Currently the aspect of the property is over open space at the rear. Following the construction of the Gedling Access Road the boundary the new carriageway will be c.22m from the rear elevation of the house. The boundary treatment alongside the Gedling Access Road will comprise a landscaping buffer and close board noise attenuation fence which will abut the highway verge. The existing timber fence boundary to the property will remain in place.
17. The area of land required on the site of 6 Chartwell Grove is shown on drawing HW00590/308 and a location plan of the site on HW00590/309.

Walled Garden and Woodland to the east of Gedling House

18. The walled garden and adjacent woodland is situated to the east of Gedling House that is accessed via Wood Lane in Gedling.
19. The area of the site in its entirety is approximately 2.15 acres and the acquisition of land required for the delivery of the Gedling Access Road is 0.120 acres. The acquisition includes a licence for the County Council to access land temporarily to undertake repairs to the walled garden in accordance with the planning permission granted and to rebuild the eastern wall of the walled garden plus a retaining wall required to support the Gedling Access Road due to the level differences between the new road and the residual area of the plot.
20. The area of land required from the walled garden and woodland to the east of Gedling House is shown on drawing HW00590/287 and a location plan of the site on HW00590/288.

Crown Land off Mapperley Plains

21. The Crown land is designated plot 8 in the Nottingham County Council (Gedling Access Road) Compulsory Purchase Order 2018 and forms part of an accessway to Chase Farm. Plot 8 forms part of title NT239555 that reverted to the Crown by way of escheat after the dissolution of Standen Homes. The title comprises two narrow strips of land either side of the Chartwell Grove estate and is land that remained in the ownership of the developer following the disposal of the housing units.
22. The strip of land forming part of the accessway to Chase Farm has an area of approximately 338 sq. metres (0.084 acres). The strip to the north east is a public footpath (Carlton Footpath Number 1) and has an area of approximately 279 sq. metres (0.069 acres). Compulsory Purchase Powers cannot be exercised in respect of the Crown Estate and the acquisition of this land in its entirety must be agreed.
23. The acquisition of the land that forms part of Carlton Footpath Number 1 would be retained by the County Council as part of its Rights of Way network. The top section of the accessway (13 sq. metres) is required for the Gedling Access Road and the residual length of accessway to the Chase Farm would be retained with future options for its development or disposal considered once construction works for the Gedling Access Road are fully completed.
24. The total area of Crown land off Mapperley Plains required is 617 sq. metres (0.152 acres) as shown on drawing HW00590/284 and a location plan of the site on HW00590/285.

Other Options Considered

25. To leave the acquisition until the Compulsory Purchase Order is confirmed, this adds an element of uncertainty as to the level of compensation due to the landowner should the Compulsory Purchase Order be confirmed. There are no other options for the acquisition of the Crown land except by agreement as it is not possible to exercise Compulsory Purchase powers on the Crown Estate.

Reason/s for Recommendation/s

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

Statutory and Policy Implications

27. 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

28. 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 Gedling Access Road on the terms as set out in the exempt appendix relating to 0.005 acres of land at 6 Chartwell Grove, Mapperley, 0.120 acres of land at the walled garden and woodland on land east of Gedling House off Wood Lane, Gedling and 0.152 acres of Crown land off Mapperley Plains.

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 (CJ - 19/09/2019)

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

Financial Comments (GB - 19/09/2019)

30. 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
- 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