

## WRITTEN STATEMENT OF A KEY DECISION CABINET

<b>ITEM:</b>	<b>SWTP CPO &amp; SRO</b>
Members Present:	Councillors: AW Johnson (Leader), H Bramer, D Harlow, PM Morgan (Deputy Leader), P Rone.
Date of Decision:	20 October 2016
Exempt:	No
Confidential	No
<p>This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function to which the decision relates.</p> <p>and</p> <p>This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the county.</p>	
<p>A notice was served in accordance with Part 3, Section 9 (Publicity in connection with key decisions) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.</p>	
Urgency/Special Urgency: (As defined in Constitution)	No
Purpose:	To seek authority to acquire by negotiation the land, properties, easements and rights of access over land needed for the construction of the southern link road between the A49 Rotherwas access road roundabout and the A465 Abergavenny road and the A465 and B4349 Clehonger road, and for in principle approval for the making of a compulsory purchase order (CPO) and side roads order (SRO) if required, for the same purpose.
<b>Decision:</b>	<p><b>THAT:</b></p> <p><b>(a) the director for economy, communities and corporate, be delegated authority to take all operational steps necessary to acquire all the necessary land interests required for the delivery of the southern link road through negotiation with possible affected landowners;</b></p> <p><b>(b) in principle use of the council's statutory powers of compulsory acquisition in making a compulsory purchase order, and the use of the council's statutory powers to make a side roads order be approved, subject to a further decision to more specifically identify the land interests to be acquired and further explain the necessity for a CPO in a statement of reasons and;</b></p>

	<p align="center"><b>(c) a further report be prepared to consider the business case for the purchase of properties outside of any proposed CPO boundary.</b></p>
<p>Reasons for the Decision:</p>	<p>Planning permission for the Southern Link Road was granted in June 2016 for the entire line of the road, in addition to all necessary junction works, side roads, drainage and environmental mitigation.</p> <p>To enable the construction of the road primarily agricultural land needs to be acquired. The agricultural land is in five different ownerships plus land owned by the council and Highways England. Part of the garden from one residential property is also required. There are no residential dwellings that need to be acquired for the road construction.</p> <p>Approval is sought to commence negotiations to acquire required land interests and to approve the use of compulsory purchase orders in principle. If the Council agrees the “in principle” use of its powers of compulsory acquisition and powers of access, this will not preclude the Council from endeavouring to acquire the necessary land and rights by agreement. This report therefore asks for approval in principle to make a CPO and SRO, whilst continuing with efforts to acquire, by agreement, the land, business interests and rights needed to carry out the works.</p>
<p>Options Considered:</p>	<p>Not to negotiate with landowners and rely on compulsory purchase powers to secure all the necessary land and rights to deliver the road. This would place additional risk on obtaining confirmation of the CPO and SRO as there is a duty on the council to have made reasonable efforts to acquire the land and rights and use CPO powers only if negotiations are unlikely to result in a timely and cost effective outcome.</p> <p>To rely solely on acquisition by negotiation could result in considerable delay and possible prevent delivery of the road due to one or more landowner not being prepared to sell or only at a cost significantly in excess of the market value.</p>
<p>Conflict of Interest ■ (See below):</p>	
<p>Date the key decision is due to take effect:</p>	<p>26 October 2016</p>

<p><b>COUNCILLOR AW JOHNSON</b> .....</p> <p><b>LEADER OF THE COUNCIL</b></p>	<p>Date: 20 October 2016</p>
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■ a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;

And

- in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.