

Record of officer decision

Decision title:	South Wye Transport Package - Southern Link Road (SLR) – land acquisition
Date of decision:	9 October 2018
Decision maker:	Director for economy and place
Authority for delegated decision:	<p>In the decision taken by cabinet on 20 October 2016 to acquire by negotiation the land required for the construction of the southern link road authority was delegated to Director for Economy, Communities and Corporate as follows:</p> <p>THAT</p> <p style="padding-left: 40px;">(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</p> <p>http://hc-modgov:9070/ieDecisionDetails.aspx?Id=4430</p>
Ward:	Stoney Street Wormside
Consultation:	No external consultation in relation to this decision. Governance, legal and finance teams have been consulted and commented on the report
Decision made:	<p>The Cabinet decision authorised the acquisition of all necessary land interests required for the delivery of the southern link road through negotiation with those possible affected landowners</p> <p>An interest is required from Network Rail for the delivery of the road bridge over their railway and for the delivery of a duct crossing underneath it.</p>
Reasons for decision:	<p>Network Rail lodged an objection to the CPO as the construction of the bridge had the potential to affect operational running of the railway line and Network Rail required that agreements are entered into to protect the railway. They confirmed that on receipt of an undertaking from the Council in the form required by Network Rail they would withdraw their objection.</p> <p>Following discussions with Network Rail terms have been agreed for the design and construction of the new Southern Link Road overbridge A Basic Asset Protection Agreement has been signed (attached).</p> <p>Legal easements are also required for the permanent occupation of the bridge and duct crossing over and under the railway following their construction. These agreements are being drafted between Network Rail and Herefordshire Council.</p> <p>Based on this Network Rail have issued a letter of undertaking setting out the agreements that have to be entered into should the scheme proceed and the bridge and duct crossing be constructed and that costs / fees incurred in the draft of these agreement are to be paid by Herefordshire Council.</p> <p>These are as follows:</p> <p>Basic Asset Protection Agreement (signed agreement attached) Two Party Overbridge Agreement (current draft attached)</p>

	<p>Undertrack Pipe Crossing Agreement (content of this is currently being discussed between Herefordshire Council and Network Rail)</p> <p>The combined value of the terms associated with this agreements and associated fees is £37,250 and these costs would be funded from the budget of £1.8m approved in the Cabinet report of 16 November 2017</p> <p>http://councillors.herefordshire.gov.uk/documents/s50052561/South%20Wye%20Transport%20Package%20main%20report.pdf</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>There are currently 6 statutory objections to the CPO/SRO of which NR is one. Without signing the Network Rail letter of undertaking Network Rail will not withdraw their objection and a Public Inquiry will be required. Withdrawal of all statutory objections will be required to avoid the Inquiry but this decision is a step towards that objective.</p> <p>This report has been reviewed and deemed acceptable by finance, governance and legal services team.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>Not to complete the letter of undertaking and rely on the statutory CPO process to acquire the land. This would be against ODP Circular 06/2004 guidance which requires acquiring authorities to try and acquire land / interests by negotiation.</p>
<p>Details of any declarations of interest made:</p>	<p>None</p>

Signed Richard Ball
 Director for Economy & Place

Date 9 October 2018