

## RECORD OF EXECUTIVE DECISION

Monday, 21 December 2009

**Decision No:** (CAB 09/10 2171)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	Cabinet Member for Environment and Transport
SUBJECT:	Connect2 Cycle Way Land Ownership - Compulsory Purchase Order
AUTHOR:	Dale Bostock, Cycling Development Officer

### THE DECISION

Having complied with paragraph 15 of the Council's Access to Information Procedure Rules and having had regard to the provisions of the Community Strategy and being satisfied that the proposals in this report are likely to improve the economic, social or environmental well being of the area:

- (i) That a Compulsory Purchase Order be made to authorise the acquisition by the Council of the land along side the River Itchen between Horseshoe Bridge and Mount Pleasant Industrial Estate shown pink on the map in appendix 1 for the purpose of constructing a cycle path under s.226(1)(a) of the Town & Country Planning Act 1990 and the Acquisition of Land Act 1981.
- (ii) To approve the Statement of reasons for making the Compulsory Purchase Order as set out in appendix 2.
- (iii) To authorise the Solicitor to the Council, following consultation where appropriate with the Executive Director of Environment and the cabinet member for Environment and Transport, to do anything necessary to give effect to the above recommendations including but not limited to undertaking all procedural steps required to:
  - (a) make, advertise and secure confirmation and implementation of the Compulsory Purchase Order,
  - (b) acquire interests in or rights over the land either by Agreement or Compulsorily,
  - (c) approve agreements with land owners setting out the terms for withdrawal of objections to the Order (to include payment of compensation), including where appropriate seeking exclusion of land from the Order, and
  - (d) to represent the Council in any Inquiry into the confirmation of the Compulsory Purchase Order.

### REASONS FOR THE DECISION

1. This report is submitted for consideration as a General Exception under paragraph 15 of the Access to Information Procedure Rules in Part 4 of the City Council's Constitution, notice having been given to the Chair of the Overview and Scrutiny Management Committee and the Public. The matter requires a decision to instigate the compulsory purchase order in order for works to commence on site in April 2010. This is to suit the "ecology" window in respect of work planned to start on site April 2010 and be completed before migrating birds arrive at the end of summer 2010.
2. A key requirement of the project is that the Big Lottery Fund requires proof of land owners' permission for each project to be sited on or across their respective land. In the case of the Southampton project there are two areas of land that have not been recorded with the land registry.
3. The key to this project is to have land owners permission to install the route across their land. This is a condition of the Big Lottery Fund; by not having land owners consent the Big Lottery Fund will not consider any financial support for the Connect2 project. Therefore the project would not be funded. This would result in the project not progressing or Southampton City Council having to contribute the £450,000.

#### **DETAILS OF ANY ALTERNATIVE OPTIONS**

None.

#### **OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None.

#### **CONFLICTS OF INTEREST**

None.

#### **CONFIRMED AS A TRUE RECORD**

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date: 21<sup>st</sup> December 2009

Decision Maker:  
The Cabinet

Proper Officer:  
Judy Cordell

SCRUTINY

Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.

Call-In Period expires on

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*