

EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR RESOURCES

16TH FEBRUARY 2018

Executive Board Member:	Portfolio:
Cllr. David Jenkins	Resources

CARMARTHEN WESTERN LINK ROAD

Purpose:

To note the letter received from the Welsh Government dated 19th December 2017 regarding the “CARMARTHENSHIRE COUNTY COUNCIL (CARMARTHEN WESTERN LINK ROAD) COMPULSORY PURCHASE ORDER 2016” (CPO) and to approve the confirmation of the said Order as delegated to the Council by the Welsh Government to enable acquisition of land for the construction of the Carmarthen Western Link Road.

Recommendations / key decisions required:

1. To note the letter received from the Welsh Government dated 19th December 2017 regarding the “CARMARTHENSHIRE COUNTY COUNCIL (CARMARTHEN WESTERN LINK ROAD) COMPULSORY PURCHASE ORDER 2016” (CPO).
2. To approve the confirmation of the said Order as delegated to the Council by the Welsh Government to enable acquisition of land for the construction of the Carmarthen Western Link Road.

Reasons:

The approval is required to ensure that the Carmarthen Western Link Road can be delivered to meet the requirements of the Local Development Plan and associated investment in the surrounding area including the University’s employment development which includes the relocation of S4C’s Headquarters to Carmarthen as part of the Yr Egin scheme.

Directorate Environment Name of Head of Service: Stephen G Pilliner Report Author: Brian Jenkins	Designation Head of Highways and Transport Strategy and Implementation Manager	Tel No. 01267 228150 01267 228153 E Mail Address: SGPilliner@carmarthenshire.gov.uk BLJenkins@carmarthenshire.gov.uk
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Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):**DECISION MADE:****Signed:**

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR RESOURCES

16TH FEBRUARY 2018

CARMARTHEN WESTERN LINK ROAD

The Executive Board at its meeting on 19th September 2016 approved a recommendation to commence the making, confirmation and implementation of the Carmarthen West Compulsory Purchase Order 2016 (CPO) to acquire land for the construction of the Carmarthen Western Link Road. The full recommendations were as follows –

1. *To note the current position with the Carmarthen West road construction and Landowner Agreements.*
2. *To take all necessary action to secure the making, confirmation and implementation of the Carmarthen West Compulsory Purchase Order 2016 (CPO) to acquire land for the construction of the West Carmarthen Link Road including:*
 - (i) the publication and service of all relevant notices; and*
 - (ii) the presentation of the Council's case at any public inquiry;**for the purpose of acquiring the areas of land shown edged red on the plan in Appendix A and thereafter declare that the said land be subject to the CPO.*
3. *To note the draft Statement of Reasons for the making of the CPO and delegate the finalising of the detailed Statement to the Executive Board Member for Resources in consultation with the Chief Executive.*
4. *In tandem with Recommendation 2 above the Head of Property to commence negotiations to acquire the land required for the link road by agreement if possible, and that Council approves pursuing Option 2 in the first instance if agreement cannot be reached.*
5. *To approve the revision of capital expenditure included within the report in respect of 'Option 2' is included in the current capital programme and the proposed virement detailed in the financial implications note of this report.*

The recommendations of the Executive Board were noted by the County Council at its meeting on 9th November 2016.

The detailed Statement of Reasons was approved by the Executive Board Member for Resources at a Decision Meeting held on 27th April 2017 following which the Order was submitted to the Welsh Government on 26th June 2017.

The Order is formally titled “THE CARMARTHENSHIRE COUNTY COUNCIL (CARMARTHEN WESTERN LINK ROAD) COMPULSORY PURCHASE ORDER 2017”.

A letter dated 19th December 2017 was received from the Welsh Government outlining the Welsh Minister’s consideration and decision which concludes that the Order can be confirmed and in accordance with relevant legislation the confirmation of the Order can be delegated to the Council. A copy of the letter is included in Appendix 1.

The recommendation is to note the letter received from the Welsh Government and to approve the confirmation of the Order as delegated by the Welsh Government.

DETAILED REPORT ATTACHED ?

NO - Appendix 1 is attached

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **S. Pilliner**

Head of Highways and Transport

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
YES	YES	YES	NONE	YES	NONE	YES

1. Policy, Crime & Disorder and Equalities

The acquisition of this land would enables the Council to proceed with the development and delivery of the Local Development Plan and is a key project within the County Council's Regeneration Masterplan. The project will contribute to one of the Council's key priorities within its Corporate Strategy and the County's Integrated Strategy of creating jobs.

The proposals support the 'building blocks' of Sustainable Development, Equalities, Welsh Language and Social Inclusion.

The proposals also accord with the policy of the Welsh Assembly Government in terms of promoting the social and economic wellbeing of the County.

2. Legal

Subject to the necessary criteria for compulsory acquisition being met, the County Council is able to use its statutory powers to compulsorily acquire land and buildings should acquisition by agreement fail.

On confirmation of the Order appropriate Notices have to be served on the interested parties following which entry can be gained after the expiry of the periods as set out in the relevant legislation.

Those whose land is acquired will receive compensation based on the CPO compensation code principles and should the quantum of compensation be at dispute the matter can be referred to the Lands Tribunal for determination.

Negotiations will also continue with the interested parties to seek acquisition by agreement.

3. Finance

The Executive Board approved the funding of the scheme as outlined in the report to the meeting held on 19th September 2016 which was subsequently noted by the County Council at its meeting on 9th November 2016. Appropriate funding of £1.2 million was identified within the Capital Programme and in addition a further £1.19 million of Local Transport Funding grant has been secured from Welsh Government in the 2016/17 financial year. A further grant of £880,000 has been secured from the Welsh Government Local Transport Fund in the current 2017/18 financial year, £750,000 of which is allocated for land acquisition.

4. Risk Management Issues

The current impasse in land acquisition discussions present the Council with a series of significant financial and other risks. The CPO process offers the 'security' that:

- a) Negotiations will continue in parallel to CPO proceedings to ensure that where possible agreement is reached voluntarily outside of the CPO process.
- b) Invoking the powers of a CPO would only occur after allowing an opportunity for any final negotiations.

Ultimately however, the confirmation of a CPO would be the only way to resolve the major area of uncertainty that is otherwise delaying the programme to the extent that surrounding investment would not realise its full potential.

Not proceeding to complete the road could risk the following:

- a) Potential clawback of the Welsh Government grant - Local Transport Fund grant of £1.3 million secured in 2015/16, the £1.19 million secured in 2016/17, and the £880,000 from the 2017/18 financial year, i.e. a total of £3.29 million.
- b) Reputational damage from Welsh Government and other grant bodies and severe risk to future funding for infrastructure schemes.
- c) Exposure to the costs of acquiring the Health Board and Welsh Government property with no way of securing reimbursement of the costs from developers.
- d) Loss of development and employment opportunities.
- e) Deterioration in traffic conditions in the West Carmarthen area.
- f) Potential requirement to reinstate the areas subject to the Licence Agreements on which the current construction work has been undertaken, i.e. undo work to the value of approximately £3.5 million.

Should there be objections to the Order a Public Inquiry may be necessary which could delay the confirmation of the Order by several months.

5. Physical Assets

The land and properties required from Welsh Government and Hywel Dda University Health Board have been acquired. The properties could be sold, once the road has been completed, to recover part of the costs incurred.

Development of the road would provide enhanced access to the Council's St David's Park office campus and includes provision of car parking to replace that lost along the route of the road.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: S G Pilliner

Head of Highways and Transport

1. Scrutiny Committee – N / A.
2. Local Member(s) - N / A.
3. Community / Town Council - N / A.
4. Relevant Partners - N / A.
5. Staff Side Representatives and other Organisations - N / A.

Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Executive Board Meeting on 19 th September 2016		http://democracy.carmarthenshire.gov.wales/documents/g306/Printed%20minutes%2019th-Sep-2016%2010.00%20Executive%20Board.pdf?T=1
County Council Meeting on 9 th November 2016		http://democracy.carmarthenshire.gov.wales/documents/g430/Printed%20minutes%2009th-Nov-2016%2010.00%20County%20Council.pdf?T=1
Executive Board Member for Resources Decision Meeting on 27 th April 2017		http://democracy.carmarthenshire.gov.wales/documents/g974/Printed%20minutes%2027th-Apr-2017%2014.30%20Executive%20Board%20Member%20Decisions%20Meeting%20for%20Resources.htm?T=1&CT=2