

TRAFFORD COUNCIL

DELEGATED EXECUTIVE MEMBER DECISION REPORT

Report to: Executive Member for Environment, Air Quality and Climate Change
Date: 09/10/2018
Report for: Decision
Report of: Corporate Director, Place

Report Title

Metrolink Airport Line, Sale Moor - Supplemental Undertaking from TfGM to Trafford Council.

Summary

The report provides the detail of a proposed supplemental undertaking from TfGM to Trafford Council concerning a payment of £15k to compensate for the loss of open space in Sale Moor as part of the Metrolink airport line construction.

Recommendation(s)

That the Executive Member for Environment, Air Quality and Climate Change gives approval to:

- (a) Accept the £15k payment towards improvements at Moor Nook Park, Sale Moor.
- (b) Legal to proceed and seal the supplemental undertaking.

Contact person for access to background papers and further information:

Name: Paul Farrand
Extension: x5504

Appendix 1: Original Legal Undertaking



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LEG UNDERTAKING-GM

Appendix 2: Supplemental Undertaking & Replacement Plan



180504 Supplemental
Undertaking - Pimmcr

Background Papers: None

Relationship to Corporate Priorities	Not applicable
Relationship to GM Policy or Strategy Framework	Not applicable
Financial	Included within the report - £15k capital sum to be received
Legal Implications	Included within the report – supplemental undertaking to be signed and sealed
Equality/Diversity Implications	Not applicable
Sustainability Implications	Not applicable
Resource Implications e.g. Staffing / ICT / Assets	Investment of the funds will improve the condition of council assets at Moor Nook Park
Risk Management Implications	Not applicable
Health & Wellbeing Implications	Moor Nook Park improvements will help to improve the health and wellbeing of local residents
Health and Safety Implications	The contribution from TfGM may help to address any health and safety issues that exist at Moor Nook Park in terms of asset condition

1.0 Background

1.1 The original undertaking, dating from 1995, was given by the Greater Manchester Passenger Transport Executive (GMPTe) to the Council to provide play facilities at Pimcroft Way, Sale Moor, as mitigation for the loss of an area of open space and children’s playground at Millers Close in Sale Moor (see Appendix 1). These improvement works were to take place prior to the construction of the Metrolink airport extension line, with the Council undertaking the works and GMPTe paying for them in advance.

1.2 However, due to local resident objection to the creation of a new children’s play area at Pimcroft Way open space, the Council was unable to deliver the replacement facilities as intended. Therefore, following negotiations with TfGM (as renamed), agreement was reached to vary the terms of the undertaking to enable improvements to be made at an alternative site in the vicinity - Moor Nook Park in Sale Moor.

1.3 In order to fulfil the variation of the terms, a supplemental undertaking has been prepared, which inserts a new Clause 3 into the 1995 agreement (see Appendix 2), with an amended payment date and a replacement plan for Annex 2 of that agreement.

1.4 The relevant section of the proposed supplemental undertaking is as follows:

Paragraph 3 of the Original Undertaking shall be deleted and replaced with the following:

MOOR NOOK PARK

TfGM shall pay to the Council the sum of £15,000.00 (Fifteen Thousand Pounds Only) to be used by the Council for upgrading the recreational facilities at Moor Nook Park shown edged red on the plan marked Annex 2 attached hereto.

The plan marked Annex 2 in the Original Undertaking shall be removed and replaced with the plan marked Annex 2 attached to this Undertaking.

In all other respects the Original Undertaking (as varied by this undertaking) shall remain in full force and effect.

The Council hereby acknowledges receipt from TfGM of the sum of £15,000 (Fifteen Thousand Pounds) in satisfaction of the obligation referred to in clause 2.1 above.

1.5 The Council is required to execute the agreement in order to acknowledge its approval of the variation and receipt of the payment, due on completion of the deed. The sum of £15k was agreed as a proportion of the costs associated with the upgrade of the multi-use games area at Moor Nook Park. This sum is considered to represent reasonable mitigation for the small loss of open space associated with the construction of the Metrolink line and will be ring-fenced for making improvements at Moor Nook Park. Proposals will be developed and implemented via Amey.

Other Options

A do nothing option would result in a continuation of the current unresolved situation regarding the payment and legal mechanism for it to be secured and documented.

Consultation

Consultation will be carried out regarding the proposed improvements to Moor Nook Park via Amey Project Officers.

Reasons for Recommendation

The recommendation has been made to enable the long standing matter to be concluded to the satisfaction of the Council and TfGM.

Key Decision (as defined in the Constitution): No

Finance Officer Clearance PC.....
Legal Officer Clearance JC.....

[CORPORATE] DIRECTOR'S SIGNATURE 
(electronic).....

To confirm that the Financial and Legal Implications have been considered and the Corporate Director has cleared the report prior to issuing to the Executive Member for decision.