

**TRAFFORD BOROUGH COUNCIL**

**STATEMENT OF EXECUTIVE DECISION**

<b><u>DATE OF DECISION</u></b>	Monday, 25 July 2022	<b><u>DECISION MAKER</u></b>
<b><u>DECISION REFERENCE</u></b>	E/25.07.22/12	<b>Executive</b> (Councillors A. Western, Adshead, Harding, Patel, Ross, Williams and Wright.)

**RECORD OF THE DECISION**

**CARRINGTON & PARTINGTON TRANSPORT INFRASTRUCTURE - CARRINGTON RELIEF ROAD**

(1) That in principle support be provided to undertake the acquisition of land and new rights required for the construction of the Carrington Relief Road including:

- 1.1.1 The making of an order under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and all other powers as appropriate for the compulsory purchase of land and rights required for the construction of the Carrington Relief Road (“CPO”)
- 1.1.2 The making of a Side Roads Order (or orders) under Sections 8, 14 and 125 of the Highways Act 1980 and all other necessary powers to improve, stop up existing highways, construct lengths of new highway and stop up and provide replacement private means of access as required to deliver the Carrington Relief Road (“SRO”)

(2) That authority be delegated to the Corporate Director for Place in consultation with the Director of Legal and Governance to take all steps necessary to prepare a CPO or SRO (together Orders) to be made including but not limited to:

- (a) the carrying out of land referencing including without limitation the service of notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and/or section 5A of the Acquisition of Land Act 1981;
- (b) the authorisation of entry onto the land and other land for the purpose of carrying out surveys pursuant to section 172 of the Housing and Planning Act 2016;
- (c) the preparation of a draft statement of reasons;
- (d) the preparation of draft Orders and Order Schedules; and
- (e) the preparation of notices to owners, lessees and occupiers, site notices and any other notices required to be served and/or advertised in accordance with the Acquisition of Land Act 1981 should the Executive authorise the making of an Order.
- (f) Delegates authority to the Corporate Director for Place to negotiate for the voluntary acquisition of land and rights over land needed to enable the scheme to be delivered in advance of confirmation of an Order, as if such Order had been confirmed.
- (g) Delegates authority to the Corporate Director for Place in consultation with the Director of Legal and Governance to consider alternatives to the use of compulsory purchase powers.
- (h) Notes that before an order is made a further detailed report will be drafted seeking authority for the making of an Order and that such a report will need to address a number of issues including:
  - (i) that the Order is necessary to facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired;

(ii) that the scheme complies with the aspirations of the Local Plan with regards to the area and other relevant planning policy;

(iii) that there is a compelling case in the public interest for the land to be acquired which outweighs the interference with the human rights of those with an interest in the land affected;

(iv) that the scheme will contribute to the promotion or improvement of the economic and/or social and/or environmental well-being of the local area;

(v) that the scheme is viable and that there is a reasonable prospect that the scheme can be implemented within a reasonable timescale;

(vi) that there are no physical or legal impediments to the scheme proceeding;

(vii) that all reasonable steps have been taken to acquire land and rights over land needed to deliver the scheme by negotiation and voluntary agreement;

(viii) that alternatives to the use of compulsory purchase powers have been considered; and

(ix) that the compulsory acquisition would not infringe the Council's equality duty.

(3) That the funding position for the next development phase and the strategy for securing further funds be noted.

(4) That authority be delegated to the Corporate Director for Place and the Director of Finance in consultation with the Executive Member Climate Change and Transport Strategy to negotiate and agree contracts with Grant Funding providers and external parties relating to grant funding, including variations of grant agreements and other related agreements regarding funding towards the design, pre-commencement works and development of the Carrington Relief Road.

(5) That the Director of Legal and Governance be authorised to finalise and enter into all legal agreements required to implement the above decisions.

#### **REASONS FOR THE DECISION**

A CPO will ensure the Council is able to acquire the land and that the project is able to keep to the proposed timescales.

#### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED AT THE MEETING/BY MEMBERS**

Other options have not been considered as the relief road is considered key to unlocking significant land for the use of residential and employment purposes and the principle and route of the relief road has already been considered and approved by the Executive.

#### **CONFLICTS OF INTEREST DECLARED AND ANY ASSOCIATED DISPENSATION**

None.

**Scrutiny Call in Deadline**

**PUBLICATION DATE**

**Tuesday, 2 August 2022**

(Decision can be implemented on the next working day, unless called in).

Tuesday, 26 July 2022

**RECORDED BY:**

Director of Legal and Governance