

CHESHIRE EAST COUNCIL

Minutes of a meeting of the
Cabinet Member for Prosperity and Economic Regeneration
held on Tuesday, 5th March, 2013 at Committee Suite 1 & 2, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor J Macrae, Cabinet Member for Prosperity and Economic
Regeneration

Councillor P Groves, Cabinet Support Member

Councillor J Hammond, In Attendance

Officers

Paul Griffiths, Principal Transport Officer

Julie Zientek, Democratic Services Officer

4 APOLOGIES FOR ABSENCE

There were no apologies for absence.

5 DECLARATIONS OF INTEREST

There were no declarations of interest.

6 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

7 UNDER BRIDGE AGREEMENT WITH NETWORK RAIL, AND NETWORK RAIL PROFESSIONAL FEES ESTIMATE IN RELATION TO THE CREWE GREEN LINK ROAD (SOUTH)

The Cabinet Member considered a report which sought approval to enter into an Under Bridge Agreement between Network Rail (NR) and Cheshire East Council (CEC), and also the undertaking to pay NR's reasonable professional fees for their role in supporting the delivery of the Crewe Green Link Road (South) scheme.

The bridge agreement was a NR requirement in order to protect the rail infrastructure and to grant the Council access onto NR land for the design, construction and maintenance of a new underbridge on the existing Crewe to Stoke railway line, which would carry the railway over Crewe Green Link Road (South).

Sufficient budget provision was available within the approved capital programme to cover NR's forecast fees in the 2013/14 financial year. In total the NR estimate was £625,200, however only approximately

£125,000 of this was forecast to be incurred before DfT funding approval was expected. In the unlikely event that DfT funding was not approved then the Council would be liable to cover the cost of NR fees incurred.

The fees were an estimate only but were considered to be reasonable given the complexity of the project. The Council would pay the actual costs incurred.

The total estimate was included within the previously advised total delivery cost of Crewe Green Link Road (South). Final approval, and thus liability for the full estimated costs would only accrue after a final Council decision to proceed with the scheme was taken.

RESOLVED

That

- (1) the Council enter into a formal Underbridge Agreement with Network Rail on the terms and conditions set out in Appendix 1 to the report;
- (2) the estimate of Network Rail's professional fees associated with the development of the scheme, including those incurred before the DfT Final Funding Approval stage, be accepted and formal approval of such be provided to Network Rail; and
- (3) any further amendments or modifications of the terms of the agreement or scale of the estimated costs to be incurred prior to final exchange of legal contract be delegated to the Head of Highways and Transport in consultation with the Council's Monitoring Officer and Chief Financial Officer, and the Portfolio Holder for Prosperity and Economic Regeneration.

8 CREWE GREEN LINK ROAD (SOUTH) - GREAT CRESTED NEWT MITIGATION HABITAT LEASE AGREEMENT, AND CONSTRUCTION AND ESTABLISHMENT

The Cabinet Member considered a report which sought approval to enter into a short term Licence/Lease Agreement with landowners in order to access land (2 sites) to construct and establish Great Crested Newt habitats, including construction of ponds, to mitigate for loss of natural habitat due to the (proposed) construction of Crewe Green Link Road (South).

The translocation of any newts would be undertaken as advance mitigation works to the main highway construction works and would only be commenced once a long term agreement to secure the habitat areas in perpetuity had been put in place.

The construction and establishment of the Great Crested Newt mitigation habitat areas in advance of the main construction works was essential to the timely delivery of Crewe Green Link Road (South).

In addition to a programme saving, there was a financial saving in the region of £0.5M in terms of the inflationary cost in delivering the main scheme approximately 6-8 months early.

There was a risk that if these works were not undertaken in advance the delivery of the Crewe Green Link Road (South) scheme would be delayed sufficiently to jeopardise the agreed delivery schedule with the main funder (Department for Transport (DfT)).

Sufficient budget provision was available to cover the costs of this licence / lease agreement and construction contract in the 2013/14 financial year. The construction costs of the ponds and establishment of habitat would ultimately be considered as part of the final out-turns cost of the link road. The funding for this was as advised in previous Cabinet reports and would include a 60% contribution to the scheme costs from the DfT.

In the unlikely event that Crewe Green Link Road South did not proceed to construction, these habitat areas would be reinstated to their former condition and returned to the landowner. The licence/lease would come to an end. In this event the cost of undertaking the works, including reinstatement, would be borne by the Council. The estimated total cost of construction and establishment (£190k), and reinstatement (£100k - 150k), including professional fees and compensation costs (£20k), for both areas was £310,000 to £360,000. This cost would need to be met from the LTP programme allocation.

The two areas had been included in the Compulsory Purchase Order in respect of the proposed Crewe Green Link Road South in the event that acquisition of the land by agreement between the Council and the landowners could not be achieved following the works required to provide the alternative habitat.

Prior to the construction of the ponds and final sign-off of the lease agreement a formal 'pre application' view from Natural England on the suitability of the proposals would be made. All proposals to date had been proposed by experienced Ecologists.

RESOLVED

That

- (1) the Council enter into two formal short term (2 year) licence / lease agreements with two separate landowners (Co-op and Mr Witter) to enable the Council to access land to construct and establish mitigation habitat areas necessary to mitigate for loss of Great

Crested Newt habitat due to the construction of Crewe Green Link Road (South);

- (2) the licence/lease be for 2 years or until such time as it is superseded by a subsequent long term arrangement to protect the areas in perpetuity (either by a lease of 150 years minimum term or a freehold transfer to the Council), after which time the newt relocation will be undertaken;
- (3) the construction of the ponds and habitat be undertaken by the Council's Highway service provider to the specification set out in the planning permissions 12/3804N and 12/3805N; and
- (4) the terms and conditions of the lease agreement and the contract for the construction of the habitat areas and any ancillary agreements necessary be delegated to the Assets Manager and Borough Solicitor in consultation with the Head of Highways and Transport.

The meeting commenced at 10.00 am and concluded at 10.15 am

Councillor J Macrae (presiding)