

CHESHIRE EAST COUNCIL

Cabinet Member for Procurement, Assets and Shared Services

| | |
|--------------------------|--|
| Date of Meeting: | 22 March 2010 |
| Report of: | Assets Manager |
| Subject/Title: | Acquisition of Approximately 2,774 square metres of Land Adjacent to Middlewich Road, Crewe from Mr Foden, to Facilitate the Construction of the Element 2 of the Connect 2 Greenway (Cycleway). |
| Portfolio Holder: | Councillor Peter Mason |

1.0 Report Summary

- 1.1 The purpose of this report is to inform Members of the proposed acquisition of land to facilitate the construction of Element 2 (Rising Sun Pub, Wistaston Green Road to Queens Park) of a new cycle path and footway.

2.0 Decision Requested

- 2.1 Approval be given to the freehold acquisition of land required to facilitate the construction of a section of new cycle path and footway linking Wistaston Green Road to Queens Park on terms to be agreed by the Asset Manager. This is a standalone section of the overall Nantwich to Crewe Connect 2 Greenway scheme.

3.0 Reasons for Recommendations

- 3.1 Planning Permission was granted for this section of the Greenway from Wistaston Green Road to Queens Park, Crewe on 26 February 2010. The proposal was for a 3 metre wide surfaced path together with associated engineering and landscaping works.
- 3.2 The majority of land identified for the proposed route alignment between Queens Park and Wistaston Green Road is in the ownership of Cheshire East Council. However, this report is concerned with the requirement to acquire a section of land in private ownership that is located adjacent to Middlewich Road and Wistaston Green Road, Crewe. The land is currently owned by Mr Foden.
- 3.3 The land currently in private ownership must be acquired to enable the continuation of the Greenway link.
- 3.4 Consultation with the land owner's agents is already at an advanced stage, with agreement reached subject to contract. Terms have been agreed subject to contract. The land to be acquired is shown on the attached plan edged in red.

4.0 Wards Affected

4.1 Crewe West

5.0 Local Ward Members

5.1 Cllr Roy Cartlidge
Cllr Robert Parker
Cllr Jacqueline Weatherill

6.0 Policy Implications including - Climate change - Health

6.1 N/a

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

N/A

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 The terms agreed to date of £15,250 plus costs and disbursements, suggest that the £400,000 ring fenced in Cheshire East Highways Revenue Budget will be sufficient to fund the land acquisitions.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 The form of contract Sale and Transfer will follow the terms agreed between the Asset Manager and the Seller with any amendments as negotiated by the Asset Manager in consultation with the Borough Solicitor and Borough Treasurer. The Council will use its statutory powers under section 25 and 26 of the Highways Act 1980 which will enable a Public Footpath Order to be made.

10.0 Risk Management

10.1 With both Planning Permission approved and Highway's Capital Programme and Highways Maintenance Revenue Budget 2009 – 2010 approved by cabinet, construction of the cycle way has been programmed. Entry on to the land is required to commence construction within 8 weeks from the date of this report.

11.0 Background and Options

11.1 Sustrans is a sustainable transport charity, currently behind the National Cycleway, Safe Routes to Schools, Bike It, and many other projects that enable people to walk or cycle more. Their latest project is Connect2, one of 6 projects that competed for a single grant of up to £50 million for the Big Lottery Fund's

living landmarks. Further to a television poll, Connect2 won the funding due to overwhelming support.

- 11.2 Section 106 money has been ring fenced for this scheme from former Crewe and Nantwich Borough Council schemes and amounts to £400,000.
- 11.3 Cheshire East Council, working with Sustrans have identified the route (which is subject to change), and also the one private landowner affected. The landowner has been consulted and is not averse to the scheme in principal. The vast majority of the proposed route runs on Cheshire East Council owned land / highway.
- 11.4 The end section of the proposed route runs through land in private ownership. The Council have no statutory powers to acquire the land required for the cycleway and have relied on the land owner's goodwill to agree to the acquisition.
- 11.4 The Asset Manager is now at an advanced stage of negotiation with the agent acting for the private land owner, terms have been agreed and legal services have received instructions.
- 11.5 An overwhelming level of public approval to the scheme was received at a consultation event held in Nantwich in October 2009. Out of 189 questionnaires completed, 187 supported the scheme, the majority considering the proposal excellent for Nantwich.
- 11.6 Cheshire East Council Highway's Capital Programme and Highways Maintenance Revenue Budget 2009 – 2010 was approved by cabinet at its meeting on 19 May 2009. Therefore the funding for this proposed scheme has been secured.
- 11.7 Planning Permission for the proposed scheme, application no. 09/3905N, was approved on 26 February 2010.

12 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Stuart Harradine
Designation: Valuer
Tel No: 01270 686131
Email: stuart.harradine@cheshireeast.gov.uk