

## STRATEGY AND RESOURCES COMMITTEE

21 MAY 2020

7.00 pm – 8.45 pm  
 Remote Meeting

# 3

### Minutes

#### Membership

<b>Councillor Doina Cornell (Chair)</b>	P	Councillor Steve Robinson	P
<b>Councillor Martin Whiteside (Vice-Chair)</b>	P	Councillor Mattie Ross	P
Councillor Nigel Cooper	A	Councillor Tom Skinner	P
Councillor Stephen Davies	P	Councillor Chas Townley	P
Councillor Nick Hurst	P	Councillor Ken Tucker	P
Councillor Keith Pearson	P	Councillor Debbie Young	P
Councillor Simon Pickering	P		

P = Present A = Absent

#### Officers in Attendance

Chief Executive	Strategic Director of Resources
Interim Head of Legal Services and Monitoring Officer	Strategic Director of Place
Head of Property Services	Corporate Policy and Governance Officer
Canal Project Manager	Solicitor
Canal Engineering Manager	Democratic Services and Elections Officers

#### Other Member(s) in Attendance

Councillor John Jones

#### SRC.001

#### APOLOGIES

An apology for absence was received from Councillor Cooper.

#### SRC.002

#### DECLARATIONS OF INTEREST

Councillor Pickering declared an interest in Agenda Item 5, because he is an employee of Ecotricity, one of the landowners potentially affected by the Compulsory Purchase Orders. He left the meeting after agenda item 4, public question time.

#### SRC.003

#### MINUTES

#### RESOLVED

**That the Minutes of the meeting held on 20 January 2020 are approved as a correct record.**

**SRC.004****PUBLIC QUESTION TIME**

There were none.

**SRC.005****AUTHORISATION TO USE COMPULSORY PURCHASE POWERS TO ACQUIRE LAND FOR COTSWOLD CANALS CONNECTION PHASE 1B**

The Leader introduced the above report and reminded Members that any details relating to negotiations with landowners were commercially sensitive and questions and answers would need to be generalised.

There were four speakers to present the report, the Canal Project Manager gave a general overview of the project and bid; the Head of Property Services provided an overview of acquisitions; the Solicitor provided details on the CPO legal considerations; and the Canal Engineering Manager explained the works required using the plans in Appendix B.

The Canal Project Manager reminded Members that Cotswold Canals Connected is a project which aims to make Stonehouse and Stroud into canal towns once again with all the benefits that come with this, e.g. regeneration and improvements to health and wellbeing. Phase 1B will build on Phase 1A and aims to connect the canal to the national waterways network. The canal partnership is making continual improvements to Phase 1A including an access ramp at Ham Mill and plans for a new turning and mooring area outside Stroud Brewery.

The National Lottery signed off Phase 1A in 2018 and we received a £840k grant from them towards the development stage. We are required, within a two-year period, to submit a final bid for funding to complete the project, we are therefore looking to request £8.9m from the lottery for a project that is being estimated to cost a total of £16.3m. The Canal Project Manager reminded members that the estimated cost was as of today and that these costs could change. The estimated fund raising commitment is £200k and the Council may need to underwrite this fund raising effort. Attention was drawn towards Appendix A which outlined the benefits of the project, the canal restoration, regeneration, economic investment, health and wellbeing and environmental benefits. The Lottery will assess the bid and focus on the risks; they would need to have confidence that the Council will be able to acquire all of the land necessary to deliver the project. A willingness and ability to use compulsory purchase powers if the need arose would help to provide that confidence.

Partnership agreements with local Town and Parish Councils have been signed or are in the process of being signed and many local communities are committed to the project. We expect a decision from the Lottery by the end of September 2020 and following this Members would need to decide whether to proceed with the Network Rail construction contract. The 'missing mile' planning application is due to be submitted by the end of July 2020 and will include provision for a boat mooring facility and a café. Residents in a survey said they would be more likely to use the canal if there were toilet facilities and a café.

The Head of Property Services provided an overview of land acquisitions reminding Members that they had approved in principal the use of Compulsory Purchase Powers in October 2019 to help manage the significant risks. It was advised that Property Services took over negotiations with landowners early in the year and some progress had been made. The Head of Property Services clarified that paragraph 3.2 should read that an option to purchase land had been secured in "one case" and it was also confirmed that another was due to be completed by the end of May 2020. Negotiations were taking place with various land owners and some of these were of a complex nature. There was a need

to de-risk land acquisition as far as possible prior to the National Lottery Heritage funding decision in September 2020. All of the land owners were supportive of the project and the disposal of their land in principle, some were willing to gift land whilst others were taking a more commercial approach.

The Solicitor summarised the legal elements of the report. He began by explaining the use of colouring in Appendix B, land intended to be acquired permanently (shaded pink); land only required temporarily for access/working space etc, (shaded blue) and land over which permanent rights, mainly rights of way, would be required (shaded magenta). The current law does not enable a distinction to be made between temporary and permanent acquisitions in a formal CPO although it does allow for the acquisition of permanent rights to be separately identified. As the CPO proceeds, licences would be negotiated where temporary use is all that is required with permanent acquisition pursuant to the CPO as a default option in those cases.

Before proceeding to make a CPO, the acquiring authority (the Council) must consider whether there is a compelling case for the use of compulsory purchase powers. In doing so it is required to balance the human rights of affected landowners against the public interest in the purpose for which those powers are to be exercised. The solicitor drew members' attention to the provisions of Articles 1 and 8 of the European Convention on Human Rights as set out in the report and to the various paragraphs of the report which summarised the public interest tests relevant to the project.

Taking account of the above considerations, officers were of the view that a compelling case could be made for the use of compulsory purchase powers pursuant to the statutory provisions referred to in the first recommended resolution. Negotiations with landowners would continue up to and beyond the making of a CPO and every effort would be made to secure acquisitions by agreement. It was nevertheless important to underpin those efforts with the security of a compulsory purchase order in the light of the forthcoming lottery funding decision in September 2020. If Members adopted the recommended resolutions, there would remain further work to be done to prepare the CPO documentation. It was anticipated that this would take a further month to complete and that a CPO would be launched in July.

The Canal Engineering Manager had nine plans to outline to Members. He stated that all of the land would be used to support the engineering and bio-diversity work for the canal and ran through each of the plans in Appendix B in turn.

Plan 1 – The project from Saul junction: the first issue was Walk Bridge, Whitminster; historically this had been a swing and hump bridge but it was now a flat deck road bridge. The clearance under the bridge deck was not high enough to permit navigation. He advised that they were working closely with Gloucestershire County Council on plans for a new humped road bridge, however the current designs could not be constructed within the existing highway boundary. Nos 11a and 10a are for proposed welfare facilities for contractors and compounds.

Plan 2 – Adjacent to the lock restoration and a new lift bridge to provide a connection into the River Frome which would be utilised for navigation for approximately 500m. We would look to purchase a thin strip and wider area on the opposite side to provide riparian rights to permit navigation on the river and also to raise the level of the embankment and land. These are all kept down to a safe minimum working requirement.

Plan 3 – Another river connection breaks into the existing Stroudwater Navigation. No.19 in pink shows a footpath area along the canal, possible temporary moorings provided at

this location. It may also be needed to provide a small element of parking. Stonepits Bridge, needs replacing with a lift bridge, the same as at Whitminster Lock. Permanent rights of access are needed to maintain the bridge.

Map 4 – Area in blue shows a temporary access required for planting, bio-diversity works and working requirements. At the A38 roundabout GCC are working to provide two crossings which have been funded by Highways England and therefore has allowed this work to progress outside of the bid. There is an extensive water vole population and there is translocation work to be done to create a new habitat on the River Frome for them.

Map 5 – The ‘missing mile’ is the section of the canal that does not currently exist. A mooring basin will provide income to help maintain the canal when it is restored. Earth screening works to be taken against A419 to help screen the highway traffic from the tranquil environment that will be created. Two new locks will be constructed on either side of the M5. Large areas in blue will be used temporarily for the significant earthworks. Screening bunds along the A419 will also be created.

Map 6 – Towards the M5 junction area on the southern side of the River Frome is a large extensive bio-diversity area. The River Frome under the M5 will need to be realigned with the river being pushed to take up two thirds of the channel and a canal made for the remaining third. It will be important to work closely with Highways England on this.

Map 7 – Highlights the temporary workings on the southern side and underneath the M5. The River Frome will need to be diverted temporarily through the existing draining culvert under the M5 so the engineering works can be carried out safely. There is a problem getting over the gas main and under the M5, hence two locks to provide the fall that the one historic lock used to provide. No.36 is the second of new locks before crossing to the existing Westfield Bridge.

Map 8 – Showed the missing mile joining the existing canal line. No.40 showed a small area of land which needed to be purchased for connection purposes. The main element of the restoration is close to residential property and we are working with the resident to keep the temporary working area to a minimum and purchase the land by the lock side.

The meeting was adjourned at 8.00 pm and reconvened at 8.02 pm to enable Members to partake in the clap for health and care workers.

Map 9 – The section of canal restoration between Dock Lock at Eastington and all the works through to Oldends Lane, Stonehouse are to be undertaken within existing canal ownership boundaries. The large blue area in Stonehouse at the end of the project shows the large construction area required to replace the Ocean Rail Bridge. The works to remove the existing bridge and build a new bridge would commence the first May day bank holiday next year which will take approximately 76 hours. A lot of preparatory work must be completed before entering into an agreement with Network Rail.

A lot of the areas of land are required for welfare and temporary safe working arrangements. The acquisition elements were down to the barest minimum. We hope to minimise the use of CPO. Some land is unregistered and CPO will allow those unregistered and unknown elements of land to be acquired for the project.

The Leader thanked the officers for their clear report.

Councillor Cornell confirmed she would propose the report and the Motion was seconded by Councillor Whiteside.

Officers gave the following responses to Members' questions:

- Permanent rights of access can be dealt with under legislation to enable the acquisition of permanent rights over the land but the Council would prefer to acquire these by agreement.
- The Council is already in possession of one piece of unregistered land. CPO would help obtain unregistered areas. Any person able to prove title to unregistered land would have a compensable interest and the Council would seek to negotiate acquisition of that interest by agreement.
- Acquisitions are being secured by way of options; the commitment to pay for the land isn't triggered unless we are successful with the bid further down the line.
- Funding land acquisitions is within the budget for the project. If we receive lottery funding and all goes to plan any land acquisitions paid before then would be funded by us and reimbursed by the lottery funding later on.
- Temporary land use would be secured by negotiating temporary licenses. The fall-back position would be compulsory acquisition. After completion of the scheme it would be normal practice to first offer surplus land back to the original owner.
- Land used for temporary working space etc. would normally be restored to its original condition unless otherwise agreed with the landowner.
- The National Lottery Heritage Fund are not accepting any new funding applications and ticket sales are currently down so the pressure on lottery money is greater. In September 2020 the Canal Manager will meet with lottery representatives and we need to have alleviated all risks and have a CPO in place to provide the bid with its best chance of success.
- As part of the missing mile planning application, extensive archaeological investigations had been undertaken on both sides of the M5. A couple of small finds were uncovered but there was nothing of significant interest and no evidence of a Roman Villa on the site.
- The magenta colouring on the plans (Appendix B) identifies land over which private rights of way for future permanent access/maintenance etc. will be required, these will not be public rights of way.
- The A38 roundabout is owned by GCC, the highway authority, and they will retain ownership of the highway and also maintain the bridge structures.
- Discussions with the Environment Agency and Drainage Board are taking place to avoid existing sluices and drainage ditches (Reference Map 1, Nos 9 and 10).

A debate ensued and Members were all supportive of the clear and concise report and conveyed their thanks to the Officers. This was a very important project for the Stroud District. It was hoped that there would be no need to use the CPO powers but these had to be in place. The benefits of the project for wildlife, low carbon travel, walkers and investment were highlighted.

In summing up the Leader thanked the team who had all brought their expertise to help make this serious decision and the detail provided was much appreciated. There was evidence of good partnership working and of good relationships with landowners. The detail on the maps had helped assist in understanding the project.

On being put to the vote, the Motion was unanimously carried.

**RESOLVED**            **a. Having taken account of the issues set out in this report including the Appendices, the Committee considers that there is a compelling case in the public interest for the**

compulsory acquisition of the land and new rights identified in Appendix B of the report pursuant to the statutory powers contained in section 226(1)(a) and 226(3) of the Town and Country Planning Act 1990 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and consequently resolves to make a Compulsory Purchase Order to be known as THE STROUD DISTRICT COUNCIL COTSWOLD CANALS CONNECTED (PHASE 1B: OCEAN, STONEHOUSE TO SAUL JUNCTION) COMPULSORY PURCHASE ORDER 2020 for the compulsory acquisition of that land and those rights.

b. The Head of Legal Services be authorised;

- (i) to prepare (in consultation with the Canal Project Manager and the Head of Property Services) an appropriate Order, Order Map(s) and Statement of Reasons in accordance with resolution (a) above.
- (ii) to make and submit the Order to the Confirming Authority and
- (iii) to take any further actions required for the purpose of securing confirmation of the Order including engaging Counsel and other external services as considered necessary.

#### **SRC.006**

#### **WORK PROGRAMME**

Democratic Services would arrange a separate meeting with members to discuss the work programme.

Reports to be included on the Agenda for the meeting on 18 June are:

- Water Source Heat Pumps Brimscombe Port and Ebley
- Council Tax Hardship Fund
- Summary of Financial Information for Central Government
- Economic Growth Committee – report to note

Reports for future meetings:

- Finances of the Council
- General Fund Outturn Report
- Recovery Plan for the Council

**RESOLVED**

**To note the above update to the Work Programme.**

#### **SRC.007**

#### **MEMBERS' QUESTIONS**

There were none.

The meeting closed at 8.45pm.

Chair