

**REPORT TO:** CABINET

**DATE:** 24 JANUARY 2019

**TITLE:** DISPOSAL OF LAND ALONG GILDEN WAY TO THE HIGHWAYS AUTHORITY

**PORTFOLIO HOLDER:** COUNCILLOR JOHN STRACHAN, PORTFOLIO HOLDER FOR REGENERATION

**LEAD OFFICER:** SIMON FREEMAN, HEAD OF FINANCE AND DEPUTY TO THE MANAGING DIRECTOR (01279) 446228

**CONTRIBUTING OFFICER:** WILL HALES, ACTING ESTATES AND FACILITIES MANAGER (01279) 446852

**This is a Key Decision**  
**It is on the Forward Plan as Decision Number I009711**  
**Call-in Procedures may apply**  
**This decision will affect Old Harlow Ward.**

**RECOMMENDED that Cabinet:**

- A** Approves plans to dispose of the Council's freehold interest in the various land parcels.
- B** Delegates to the Head of Finance and Deputy to the Managing Director, in consultation with the Portfolio Holder for Regeneration, the authority to negotiate and finalise the terms of the disposal and (subject to being satisfied that it would be for the best consideration reasonably obtainable) thereafter procure the legal completion of the sale documentation and all ancillary documents.

**REASON FOR DECISION**

- A** To allow Essex County Council (the Highways Authority) to progress the necessary land assembly to facilitate planned road infrastructure improvements along Gildea Way.
- B** To enable infrastructure improvements that will promote long-term sustainable growth within the district.
- C** To generate a capital receipt to help fund the Council's Capital Programme and reduce the need for borrowing.
- D** To eliminate future costs associated with maintaining the subject land.

## **BACKGROUND**

1. The capacity of the transport infrastructure in Harlow is recognised as an issue for both businesses and residents. Initial modelling work has shown that an increase in road network capacity is needed to support the level of committed and proposed new housing, and jobs required to meet future needs. Improvements are also required to support economic development and regeneration in Harlow and the surrounding areas.
2. The Council's Emerging Local Plan recognises that "Major infrastructure enhancements are required to attract investors, businesses and therefore to improve economic aspirations in Harlow".

## **ISSUES/PROPOSALS**

3. Without an improved link to the motorway, Harlow and surrounding districts will not be able to realise their full potential and as a result may struggle to deliver their emerging local plans.
4. In order to overcome these infrastructure issues, the Highways Authority are beginning to deliver major infrastructure improvement projects within Harlow and its surroundings, including the M11 Junction 7A Scheme (the Scheme) and associated transport corridor improvements.
5. To enable delivery of the Scheme, the Highways Authority have applied under The Highways Act 1980 and The Acquisition of Land Act 1981, for a Compulsory Purchase Order (CPO) attached as Appendix A to the report. This is to secure the acquisition of all relevant land interests outside the existing highway boundary.
6. The Highways Authority secured planning consent on 21 July 2017 for the Scheme under Planning Reference CC/EPF/08/17. The brief details this can be seen on the plan attached as Appendix B. The Scheme and the planning consent are intended to enable alterations and improvements to the highway network to ensure it will deliver the efficiencies and future growth capacity.
7. The Highways Authority is currently in the process of negotiating with the various owners of the land interests, with a view to reaching negotiated acquisition agreements.
8. There are six individual Council owned parcels included within the Scheme (Plots 4, 5, 6, 8, 9 and 10). For reference purposes, the location and extent of those land parcels are highlighted in Appendix A
9. Following a competitive tender exercise, the Council are represented in negotiations with the Highways Authority by a specialist CPO and land valuation consultancy. The cost of the consultant can be recovered from the Highways Authority.

10. It is recommended that the Council use the current window of opportunity to structure a negotiated agreement with the Highways Authority. It is highly likely that the Highways Authority will acquire the sites using their emerging CPO powers if an agreement is not made. This would leave little room for the Council to influence the terms of those transactions.
11. Therefore it is proposed that Cabinet approves the plans for disposal of the land, and that delegated authority is granted as set out in recommendation B. This will enable the Council to finalise the terms of the disposal.

## **IMPLICATIONS**

### **Place (Includes Sustainability)**

The implementation of these highway improvements is essential to facilitating the delivery of the new Junction 7a on the M11 and also the delivery of new housing as set out in Harlow's new Local Plan. The sale of the Council's land interests as outlined in this report is necessary to enable these improvement works to take place. It is in the interests of all parties, and for the success of the wider developments, that an early negotiated settlement is achieved.

**Author: Andrew Bramidge, Project Director – Enterprise Zone and Interim Head of Planning**

### **Finance (Includes ICT)**

Whilst recognising the importance of the wider scheme for the future development of Harlow, the Council must seek to secure best value for the sites detailed within the report. To support this the Council has appointed specialist advisors to protect the Council's interest in the negotiations as detailed within the report.

**Author: Simon Freeman, Head of Finance and Deputy to the Managing Director**

### **Housing**

As contained within the report.

**Author: Andrew Murray, Head of Housing**

### **Community Wellbeing (Includes Equalities and Social Inclusion)**

As contained within the report.

**Author: Jane Greer, Head of Community Wellbeing**

### **Governance (Includes HR)**

The approval supports the improvement of the road network and has planning permission. It is in the best interests of the Council to seek the best possible consideration for these sites at this time pursuant to Section 123 of the Local Government Act 1972 without CPO powers being exercised.

**Author: Simon Hill, Head of Governance**

## **Appendices**

Appendix A – Compulsory Purchase Order Plot Plans

Appendix B – Extract of Planning Application Drawings

**Background Papers**

None.

**Glossary of terms/abbreviations used**

CPO – Compulsory Purchase Order