

REPORT TO EXECUTIVE

**PORTFOLIO AREA: FINANCE & RESOURCES /
INFRASTRUCTURE, ENVIRONMENT & TRANSPORT /
ECONOMIC PROSPERITY**

Date of Meeting: 28 October 2002

Public

Key Decision: Yes

Recorded in Forward Plan: No

Inside Policy Framework Yes

Title: CARLISLE NORTHERN DEVELOPMENT ROUTE
LAND OWNERSHIP ISSUES

Report of: DIRECTOR OF ENVIRONMENT & DEVELOPMENT

Report reference: EN 121/02

Summary:

Now that a Compulsory Purchase Order has been served upon the City Council by the Highway Authority with an Inquiry scheduled for December, this report appraises Members of the position and seeks a direction.

Recommendations: It is recommended that:

1. The Highway Authority and Secretary of State be informed that the City Council withdraws its objection to the Compulsory Purchase Order but requests that the Highway Authority uses its best endeavours to incorporate appropriate vehicular access to facilitate strategic development opportunity at Parkhouse Business Park.

Contact Officer: David Atkinson

Ext: 7420

1. INTRODUCTION

1. The Carlisle Northern Development Route has been given the go ahead with funding announced.
2. A Compulsory Purchase Order has been served.
3. A Public Inquiry concerning the Compulsory Purchase Order is scheduled for December 2002.
4. If the City Council wishes to make full representation and objection to the proposals at the Inquiry, then a considerable amount of workload and costs are involved in the preparation of proofs of evidence and the presentation of the objections.

2. CURRENT POSITION

1. The timetable is:
 - i. The Treasury has decided that funding has been made available for the new road subject to match funding being negotiated through a Private Finance Initiative.
 - ii. A Compulsory Purchase Order has been served on 16 September 2002. An Inquiry is scheduled for 3 December 2002.
1. The Compulsory Purchase Order outlines land to be taken from the City Council in order to construct the road, being:
 - i. 4772 sq m of woodland forming part of Kingmoor Nature Reserve and permissive footpaths;
 - ii. 15401 sq m of land forming part of Kingmoor Business Park (this is wrongly described in the Order and should read Parkhouse Business Park);
 - iii. The land take is shown roughly on the attached plan.
1. An objection has been lodged against the Compulsory Purchase Order for three reasons:
 - i. The design of the current scheme involves a gyratory traffic light signal junction at point A as shown on the attached plan. This would prohibit access into the City Council's land at this point and will prohibit strategic development.
 - ii. The scheme will affect the Kingmoor Park Nature Reserve with a loss of habitat and fragmentation of the Reserve.
 - iii. To strengthen the negotiation position opposite the Highway Authority.

1. PARKHOUSE – ECONOMIC FACTORS

1. The demand for development land at the current time is encouraging after many years of minimal interest. On 19 December, the Executive are to consider a report concerning a potential high profile hotel and related development uses, but it will be determinate upon obtaining access from the CNDR.
2. The main reason for constructing the new road – as a justification for serving the Compulsory Purchase Order – is to promote strategic development in the area.
3. Following the objection to the Compulsory Purchase Order, County

Council officers have reconsidered the matter and a new design is proposed to incorporate a roundabout at point A. This would enable access for development into City Council land.

4. The proposed roundabout requires planning permission. It is to be heard by the County's appropriate committee later on in the year – but after the deadline for when proofs of evidence are to be submitted for the CPO Inquiry.
5. Inquiries of this nature require considerable proofs of evidence in order to substantiate the objections. There will be substantial workload implications for officers at a time of high corporate priorities. The County are instructing Counsel at the Inquiry and the likelihood is that the City Council would have to do the same.
6. If the roundabout were to proceed, in respect to development issues, there would be no benefit to continuing with an objection to the CPO.

2. NATURE CONSERVATION ISSUES

1. The CNDR will affect the Kingmoor Nature Reserve as follows:-

- i. A land take of around 1.15 hectares;
- ii. Loss of 800 m of historic hedgerow;
- iii. Loss of 400 m of ancient lonning and public footpath;
- iv. Loss of 0.15 hectares of old / mature deciduous woodland with a high conservation area and a loss of 0.18 hectares of young woodland and rough grassland with two ponds, which will affect the hydrology in the area.
- v. A fragmentation of the North and South Kingmoor Nature Reserve.

1. In return, the Highway Authority are offering:-

- i. A land area of 1.4 hectares to extend the Nature Reserve – albeit of lesser nature conservation value, with poor public access opportunity;
- ii. The provision of a shared use cycle and footway;
- iii. Provision of an underpass with the old railway line to permit public access;
- iv. Hedgerow and tree trans-location wherever possible;
- v. Any replacement tree planting or hedge planting to be done in a Cumbrian style;
- vi. Small mammal tunnels across the road;
- vii. Retention of public access features in the Reserve;
- viii. Adopting sound environmental work practices during the construction of the road.

1. NEGOTIATION AND VALUATION ISSUES

1. Whichever design of scheme is adopted, there will be a capital receipt due to the City Council for the land taken by the road.
2. If the gyratory traffic light scheme were to continue to be the one favoured by the Highway Authority, there would be a substantial valuation claim made by the City Council.
3. Valuation levels are ultimately determined at Independent Lands Tribunal, if agreement cannot be reached.

4. Objecting to a Compulsory Purchase Order on valuation grounds alone is not admissible but is often done to try and achieve a stronger negotiating position. It is not considered necessary in this case because it is a negotiation between two public authorities, both of whom wish to support the scheme in partnership.

2. INQUIRY COSTS & ANALYSIS OF OUTCOME

1. A Public Inquiry is costly and will involve specialist consultants and barristers.
2. It is considered that the City Council's economic development argument will fall if a roundabout is proposed for the scheme.
3. The proposals for the CNDR are consistent with the City Council's own Local Plan and economic development objectives.
4. It is considered that, on its own, the strength of argument concerning the loss of natural habitat is not one that would stop the road from proceeding.

3. CONSULTATION

1. Consultation – Development Advisory Group, Cumbria County Council, Capita db, Insignia Richard Ellis, Kingmoor Park Properties Ltd, tenants of businesses at Kingstown, corporate colleagues.

4. STAFFING / RESOURCES COMMENTS

1. The Inquiry will require a substantial amount of additional time which City Council officers do not have because of corporate priorities, particularly LSVT.
2. Additional resources of £50,000 will need to be identified, subject to a supplementary estimate, as a matter of urgency.

5. CITY TREASURER'S COMMENTS - The City Treasurer has been consulted.

6. LEGAL COMMENTS - The City Solicitor has been consulted.

7. CORPORATE COMMENTS - The Director of Leisure has been consulted.

8. RISK MANAGEMENT ASSESSMENT

1. The road is a strategic issue facing Carlisle.
2. The City Council wishes to support it for the benefit of the citizens of Carlisle and the area but there are certain technical issues which need to be resolved – as outlined in this report.
3. If planning permission were not approved for a roundabout at Parkhouse, the development would be severely hindered at a time when there is a likely major hotel and related development planned for the area.

9. EQUALITY ISSUES - None.

10. ENVIRONMENTAL IMPLICATIONS

1. Environmental implications in respect to the road have been considered as part of the planning application for the CNDR – for which a full Environmental Impact Assessment was submitted. The City Council did not object to the planning application.
2. There is alternative land at Kingmoor which may be available for assisting in improving the Kingmoor Nature Reserve. However, it is too remote from the CNDR to be included in the road scheme.
3. It is recommended that funds to acquire this piece of land and create

an improved natural habitat will be sought from the Asset Investment Fund, subject to Members' approval in due course. The landowner has been contacted and is reluctant to sell but negotiations are continuing. The City Council may have to proceed with a Compulsory Purchase Order itself if it were ever to proceed with any acquisition to improve Kingmoor Nature Reserve but it is hoped that an agreement can be reached and reported to Members in due course.

4. There are a number of mitigation measures to be negotiated as part of the land compensation negotiation.

11. CRIME AND DISORDER IMPLICATIONS

1. None.

12. CONCLUSIONS

1. If the roundabout is to proceed, then there are no strategic development reasons for proceeding with a Public Inquiry as far as the City Council is concerned.
2. Unfortunately, although the full mitigation measures are not yet known, the nature conservation concerns have been accommodated – as far as they are able – within the planning permission.
3. Any further mitigation measures will be subject to land negotiations between the City and County estates officers next year.
4. The City Council could acquire some additional land to improve the Kingmoor Nature Reserve on Kingmoor Road outwith the CNDR scheme subject to a budget being allocated.
5. By the time of the Inquiry, it is unlikely that planning permission will be secured for a roundabout and there is a risk that it will not proceed.
6. To avoid the costs of an expensive Inquiry, it is recommended that the City Council writes to the Secretary of State to say that it does not wish to proceed with the objection at the expense of the public purse on the assumption that planning permission is obtained for a revised roundabout scheme – but it wishes to reserve a right to maintain the objection until this known.

13. RECOMMENDATIONS

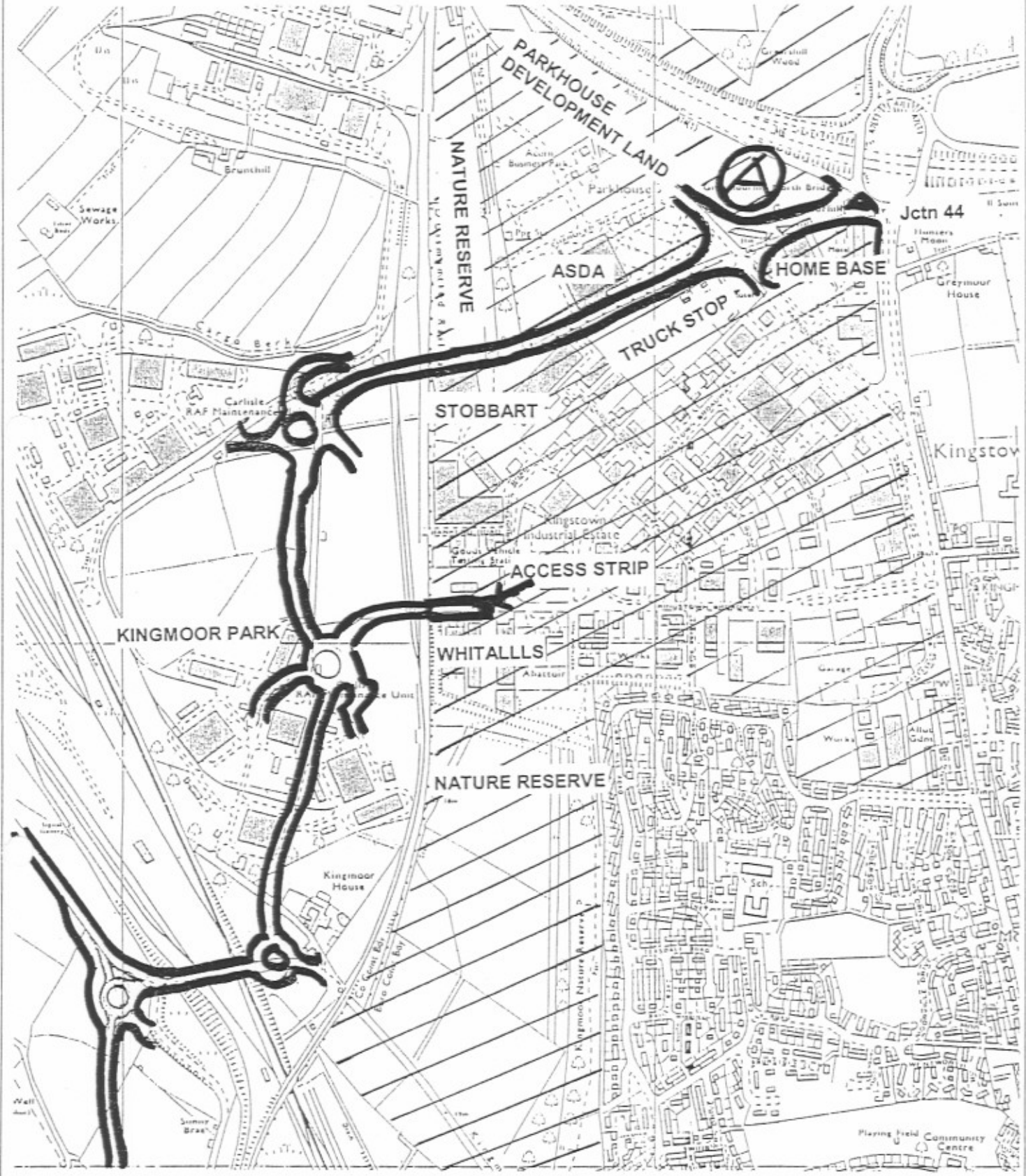
1. The Highway Authority and Secretary of State be informed that the City Council withdraws its objection to the Compulsory Purchase Order but requests that the Highway Authority uses its best endeavours to incorporate appropriate vehicular access to facilitate strategic development opportunity at Parkhouse Business Park.

14. REASONS FOR RECOMMENDATIONS

1. To continue to support the CNDR scheme which will bring considerable strategic advantage to the City of Carlisle.
2. To assist in the promotion of the scheme in partnership with the County Council.
3. To avoid unnecessary public expense which is likely to be to no avail.
4. To protect the City Council's land and economic interest at a time of considerable positive signs that a hotel development can be attracted to the area after many years of marketing.
5. To inform Members about the scheme and the implications

concerning nature conservation issues.

CARLISLE NORTHERN DEVELOPMENT ROUTE - LAND OWNERSHIP ISSUES



Reproduced from the 1966 Ordnance Survey mapping with the permission. Of Her Majesty's Stationery Office Crown Copyright
 Unauthorized reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings.
 Carlisle City Council Licence No. LA077429

CITY COUNCIL LAND 

M. Battersby Bsc., C. Eng., MICE, Director of Environment & Development
David Atkinson Bsc (Hons) MRICS, Head of Property Services
 Civic Centre, CARLISLE CA3 8QG Tel. (01228) 817000 Fax (01228) 817413


 Not to Scale North

March 2002