



CABINET – 29TH MAY 2012

SUBJECT: YSBYTY YSTRAD FAWR HIGHWAY IMPROVEMENTS COMPULSORY PURCHASE ORDER 2011

REPORT BY: CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To obtain Cabinet approval to confirm a Compulsory Purchase Order (CPO) for the land required to implement Phase 2 and Phase 4 of the Ysbyty Ystrad Fawr Highway Improvements Project.

2. SUMMARY

- 2.1 On 2nd March 2010 Cabinet resolved that the Caerphilly County Borough Council (Ysbyty Ystrad Fawr Highway Improvements, Route A472 Classified Road) Compulsory Purchase Order 2010 be made. On 19th October 2010 Cabinet approved the inclusion of additional land within the CPO and to undertake the necessary procedure to lead to the Order being submitted to National Assembly for Wales for confirmation. The project budget for the Ysbyty Ystrad Fawr highway improvements includes an allowance for land acquisition.
- 2.2 The CPO was submitted to National Assembly for Wales on 18th May 2011 with the Order's title being revised to the Caerphilly County Borough Council (Ysbyty Ystrad Fawr Highway Improvements, Route A472 Classified Road) Compulsory Purchase Order 2011 to reflect the submission date. On 1st February 2012 Welsh Government confirmed that Section 14A (1) of the Acquisition of Land Act 1981 (as amended) gives the Welsh Ministers as the confirming authority power to delegate the power to confirm a CPO to the acquiring authority, in this case the Council, provided the requirements of Section 14A (3) of the Act are satisfied. In this case the Welsh Ministers are satisfied that these requirements have been met and that the confirmation of the CPO is one that can be undertaken by the Council.

3. LINKS TO STRATEGY

- 3.1 The strategic highway improvement proposals for the hospital access highway improvements link with the Health, Social Care and Well-being and Regeneration themes of the Council's Corporate Plan and Community Strategy.

4. THE REPORT

- 4.1 On 2nd March 2010 Cabinet resolved that the Caerphilly County Borough Council (Ysbyty Ystrad Fawr Highway Improvements, Route A472 Classified Road) Compulsory Purchase Order 2010 be made. On 19th October 2010 Cabinet approved the inclusion of additional land within the CPO and to undertake the necessary procedure to lead to the Order being submitted to National Assembly for Wales for confirmation.
- 4.2 The CPO was submitted to National Assembly for Wales on 18th May 2011 with the Order's title being revised to the Caerphilly County Borough Council (Ysbyty Ystrad Fawr Highway Improvements, Route A472 Classified Road) Compulsory Purchase Order 2011 to reflect the submission date.
- 4.3 Welsh Government confirmed in their letter dated 1st February 2012 (Appendix A) that Section 14A (1) of the Acquisition of Land Act 1981 (as amended) gives the Welsh Ministers as the confirming authority power to delegate the power to confirm a CPO to the acquiring authority, in this case the Council, provided WG are content that the requirements of Section 14A (3) of the Act relating to notice requirements, the absence of or the withdrawal of objections and the Order being capable of being confirmed without modification are satisfied.
- 4.4 In this case the Welsh Ministers are satisfied that the necessary requirements of Section 14A (3) of the Act have been met and that the confirmation of the Caerphilly County Borough Council (Ysbyty Ystrad Fawr Highway Improvements, Route A472 Classified Road) Compulsory Purchase Order 2011 can be undertaken by the Council.
- 4.5 The extent of the land that is included within the CPO and is required to implement the Phases 2 and 4 highway project is shown coloured pink and blue on the attached Appendix B marked "Map referred to in the Caerphilly County Borough Council (Ysbyty Ystrad Fawr Highway Improvements, Route A472 Classified Road) Compulsory Purchase Order 2011".
- 4.6 Land coloured pink on Appendix B denotes land for which the Council requires ownership of the freehold interest in order to accommodate the highway improvement works. The land coloured pink includes land historically occupied by public highway but for which the Council does not have confirmation of freehold title in order that all necessary interests are acquired. For all other land that is adopted highway, the freehold has been registered. Land coloured blue on Appendix B denotes land for which the Council requires to secure easement rights to access the works and to implement their construction and their longer-term maintenance.
- 4.7 The land comprised in the CPO includes land in unknown ownership and Section 6(4) of the Acquisition of Land Act 1981 provides that if the Authority having jurisdiction to make the order in connection with which a document is to be served is satisfied that reasonable enquiry has been made and that it is not practicable to ascertain the name and address of owner, lessee, tenant or occupier of the land on whom any notice or other document is required or authorised to be served under the Act, the document may be served by addressing it to him by the description of "Owner", "Lessee", "Tenant" or "Occupier" of the land to which it relates and by delivering it to some person on the land or if there is no person on the land to whom it may be delivered by leaving it or a copy of it on or near the land.
- 4.8 It is considered that since some of the land is in unknown ownership the powers set out in Section 6(4) of the Acquisition of Land Act 1981 should be utilised as detailed in 4.7 above, to effect service of any documents required or authorised to be served under the Act by leaving a copy of any such document on or near the land.
- 4.9 The land acquisition will be effected in pursuance of the powers contained in Sections 239, 240 and 250 of the Highways Act 1980 and Section 6(4), 14A(1) and 14A(3) of the Acquisition of Land Act 1981 and all other enabling powers for a CPO.

- 4.10 The detail of the planning consents awarded to the Phase 2 and Phase 4 Ysbyty Ystrad Fawr Highway Improvements is set out in the 19th October 2010 Cabinet report.

5. EQUALITIES IMPLICATIONS

- 5.1 An Eqla screening is not needed because the issues covered here have previously been considered by the Council at Cabinet meetings held on 2nd March and 19th October 2010.

6 FINANCIAL IMPLICATIONS

- 6.1 Acquisition payments together with associated professional fees and charges will result from acquiring the land required to implement Phases 2 and 4 of the Ysbyty Ystrad Fawr Highway Improvements. The project-funding award agreed with the WG includes an estimated allowance for land acquisition costs.

7. PERSONNEL IMPLICATIONS

- 7.1 None.

8. CONSULTATIONS

- 8.1 The consultation process has been carried out and responses received have been included in the report.

9. RECOMMENDATIONS

- 9.1 That the Caerphilly County Borough Council (Ysbyty Ystrad Fawr Highway Improvements, Route A472 Classified Road) Compulsory Purchase Order 2011 be confirmed and notices thereof be duly given and published.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 In order to progress statutory procedures to enable the land required to undertake the Phase 2 and Phase 4 of the Ysbyty Ystrad Fawr Highway Improvements to be secured through Compulsory Purchase.

11. STATUTORY POWER

- 11.1 Sections 239, 240 and 250 of the Highways Act 1980 and Section 6(4), 14A(1) and 14A(3) of the Acquisition of Land Act 1981.

- 11.2 This is a Cabinet function.

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Consultees:

Cllr R Woodyatt	Local Ward Member (Maesycwmmmer)
Cllrs A P Angel & M James	Local Ward Members (Ystrad Mynach)
Anthony O'Sullivan	Chief Executive
Nigel Barnett	Deputy Chief Executive
Terry Shaw	Head of Engineering Services
Dafydd Lloyd	Engineering Project Group Manager
Clive Campbell	Transportation Engineering Manager
Dan Perkins	Head of Legal Services
Geoff Gordon	Senior Solicitor Legal Services
Pat Mears	Chief Planning Officer
Phil Evans	Head of Information, Communications and Technology Services
Tim Broadhurst	Section Head - Valuation & Property Information
Nicole Scammell	Head of Corporate Finance
Dave Roberts	Corporate Finance Group Accountant (Capital Advice and Support)

Maesycwmmmer Community Council

Gelligaer Community Council

Background Papers:

- (i) Cabinet Report 19th October 2010 – Agenda Item No 3(2) Ysbyty Ystrad Fawr Highway Improvements Compulsory Purchase Order.
- (ii) Cabinet decisions from meeting held on 19th October 2010 – Item 3(2).
- (iii) Cabinet Report 2nd March 2010 – Agenda Item No 3(3) Ysbyty Ystrad Fawr Highway Improvements Compulsory Purchase Order.
- (iv) Cabinet decisions from meeting held on 2nd March 2010 – Item 3(3).

Appendices:

Appendix A: Letter from Welsh Government dated 1 February 2012

Appendix B: Boundary Plan showing extent of Ysbyty Ystrad Fawr Highway Improvement Compulsory Purchase Order 2011. (OCTOBER 2010 VERSION WITH UPDATED ADDITIONAL LAND INCLUDED)