

To: City Executive Board

Date: 12February 2015

Report of: Service Manager Regeneration and Major Projects

Title of Report: Acquisition of land at Fiddlers Island Oxford to erect permanent bridge

Summary and Recommendations

Purpose of report: To obtain approval to acquire a site at Fiddlers Island.

Key decision: Yes

Executive lead member: Councillor John Tanner, Cleaner, Greener Oxford, Climate Change and Transport

Policy Framework: Cleaner Greener Oxford

Recommendation: That the City Executive Board authorise the Executive Director, Regeneration and Housing, in consultation with the Head of Law and Governance and the Head of Finance to acquire the site as shown in Appendix B by agreement with the owners or by compulsory purchase if agreement is not reached.

Appendices

Appendix A - Risk register
Appendix B – Site plan

Background

1. The site of the proposed footbridge is at the southern end of an area of former railway land that was developed for Housing. The Council has for many years pursued the construction of this footbridge as a link to open up new routes for walking and cycling to supplement links from Walton Well Road through Roger Dudman Way to the city centre.

2. The bridge will open up new routes from Botley Road or via Abbey Road and Cripsey Roads, Rewley Park, serving the Said Business School, railway station, city centre and canal towpath and Jericho and North Oxford beyond and North along the Thames towpath to Port Meadow and beyond.
3. The bridge will also serve the student housing in Roger Dudman Way, which is a low car ownership developments, recognising that the site was relatively close to the city centre and railway station, but also that it had poor access via a single private road off the busy Botley Road and running to the rear (west) of the railway station.
4. A temporary bridge was erected with the consent of the landowner and funded by the University of Oxford, and is currently in place. However, when the landowner failed to secure planning permission for a development on the remainder of the site, he advised that he would require the temporary bridge to be removed. The Council has already funded and acquired a permanent bridge funded through a developer contribution.
5. The land subject to this proposed compulsory purchase activity is understood to be in single ownership on either side of Fiddlers stream and whilst the detailed boundaries of the land to be acquired will be finalised as part of the activity to be approved the area will fall within the footprint edged red on the plan attached as Appendix B
6. Discussions and negotiations with the land owner will continue to seek a negotiated agreement, but to date it has not proved possible, Hence the proposal here to consider the compulsory acquisition of the land if private treaty negotiations cannot be completed and the appropriateness of such further activity to develop this proposal for a formal resolution.

Legal Issues

7. The Council has the power under s226 (1) (a) of the Town and Country Planning Act 1990, which has been amended by the Planning and Compulsory Purchase Act 2004 to acquire land and buildings to secure their improvement, development or redevelopment, provided that this will bring about environmental, economic or social benefits.
8. The main supporting legislation includes the Acquisition of Land Act 1981 (compulsory purchase procedure), the Compulsory Purchase Act 1965 (post confirmation procedure) and the Land Compensation Act 1961 (amount and assessment of compensation).
9. If the Council subsequently resolves to issue a Compulsory Purchase Order this must be advertised locally and copies served on all owners and qualifying parties. An objection can be raised by any statutory objector during the stipulated period. If such an objection is received and not withdrawn during the stipulated period the Secretary of State may cause a public local inquiry to

be held. This affords the objector an opportunity to be heard and appear before a person appointed by the Secretary of State.

Financial Issues

10. It is considered that the costs of the CPO process including Public Inquiry, land acquisition and compensation costs together with remaining construction and installation costs will be accommodated from the existing £228,016 capital budget planned for 2015/16 all of which has been funded from developer contributions.

Environmental Impact

11. The implementation of this proposal will support the Councils initiatives in the area of low car ownership development and the creation of improved pedestrian and cycle routes in the city.

Level of Risk

12. A risk assessment has been undertaken and the risk register is attached at Appendix B. All the risks have been mitigated to an acceptable level.

Equalities Impact

13. There are no adverse impacts that are predicated.

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List of background papers: None

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