

CUMBRIA COUNTY COUNCIL

Minutes of a virtual meeting of the **Cabinet** held on **Thursday, 27 August 2020 at 10.00 am**

PRESENT:

Mr SF Young (Leader)
Mrs PA Bell
Mrs A Burns
Ms D Earl
Mr KA Little
Mrs S Sanderson
Mr DE Southward
Mr P Thornton
Mrs C Tibble
Mrs J Willis

Officers in attendance:

Chief Executive, Executive Director - Corporate, Customer and Community Services, Executive Director - Economy and Infrastructure, Director of Finance (Section 151 Officer), Deputy Chief Executive and Executive Director - People, Chief Fire Officer, Chief Legal Officer (Monitoring Officer), Leadership Support Officer - Labour Group, Leadership Support Officer - Liberal Democrat Group and Professional Lead - Democratic Services

PART 1 ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS

15 ROLL CALL FOR MEMBERS AND OFFICERS

There were no apologies for absence.

16 DISCLOSURES OF INTEREST

There were no disclosures of interest made on this occasion.

17 MINUTES

RESOLVED, that the minutes of the meeting held on 23 July be agreed as a true and accurate record and signed by the Chair.

18 EXCLUSION OF PRESS AND PUBLIC

RESOLVED, that the press and public be excluded from the meeting during consideration, if any, of Appendix 1 of Item 7 Carlisle Southern Link Road – Land Acquisition Compulsory Purchase Order and Side Roads Order by virtue of by virtue of Paragraph(s) 1 of Part I of Schedule 12A of the Local Government Act 1972, as this report contains exempt information relating any individual.

19 STATEMENTS BY THE LEADER OF THE COUNCIL AND CABINET MEMBERS

The Cabinet Member – Environment made a statement about the County Council being awarded Gold Employer Status.

These awards were a public recognition by the MOD of an employer's efforts to pledge, demonstrate or advocate support to the armed forces community.

To win an award organisations must have demonstrated that they provided ten extra paid days leave for Reservists and had supportive policies in place for Veterans, Reserves, Cadet Force Adult Volunteers and Spouses and Partners of those serving in the Armed Forces.

These organisations also advocated the benefits of supporting those within the Armed Forces community, encouraging others to sign the Armed Forces Covenant and to engage in the Employer Recognition Schemes Community.

The Cabinet Member for Schools and Learning made a statement about schools and education.

2020 had been one of the most challenging years for schools and education in living memory, and the Cabinet Member thanked all of the staff, and the volunteers and partnerships who had worked so hard for schools and families during the COVID pandemic.

Usually the summer was a quiet period for schools, but this year it was different. The Cabinet Member detailed two programmes which had been taking place in Cumbria.

- A directory of summer activities for each of the six districts in Cumbria
- September opening for schools in Cumbria

She gave Cabinet a detailed update on each of these projects.

During the crisis Cumbria County Council had provided support to over 300 schools in Cumbria as well as dozens of child care settings and over 70,000 school age children, and had also played a leading role in providing public health advice to schools, tackling transport arrangements, supporting schools with HR and Health and Safety arrangements, and providing support around communications, policy and other kinds of expertise.

She thanked everyone involved in these difficult times for their hard work and support.

20 PUBLIC PARTICIPATION

There were no public questions, petitions or statements made on this occasion.

There were no referrals from Scrutiny to this meeting.

There were also no referrals from local committees made on this occasion.

21 CARLISLE SOUTHERN LINK ROAD - LAND ACQUISITION, COMPULSORY PURCHASE ORDER AND SIDE ROADS ORDER

Cabinet considered a report from the Executive Director – Economy and Infrastructure, which sought approval for the acquisition of land and new rights over land by agreement and the making and, if confirmed, implementation of a Compulsory Purchase Order (CPO) and a Side Roads Order (SRO) in order to construct the Carlisle Southern Link Road (CSLR) in order to unlock St Cuthbert’s Garden Village (SCGV), improve the strategic highway network and address local transport issues.

There was a need to progress the CSLR scheme in a timely way to enable delivery of the CSLR to unlock SCGV in order to comply with the obligations of the Grant Determination Agreement (GDA) that the Council had entered into with Homes England. On the basis that the exercise of the Council's powers of compulsory purchase (if authorised by the Secretary of State's confirmation of the CPO) would be used to acquire land only where acquisition by agreement was not possible within the requisite timescales, Cabinet was recommended to approve that the Council made a CPO and SRO for the CSLR as the most appropriate way of ensuring this critical infrastructure scheme could be delivered at the earliest opportunity.

Carlisle was the only city within Cumbria and the wider Borderlands region. Its future economic prosperity, and that of the wider region, was dependent on growing the population. However, the current growth of Carlisle was constrained by the existing infrastructure. Carlisle City Council through the Local Plan had targeted an ambitious level of growth and had allocated the area to the south of Carlisle for housing-led growth. This strategic residential allocation was now known as St Cuthbert's Garden Village (SCGV) and was included within the Government's Garden Towns programme.

In addition to the CPO, the scheme design for CSLR also had implications for the existing highways and side roads and required the making of a Side Roads Order (SRO). The CSLR SRO needed to be made to authorise the stopping up, alteration, creation and improvement of highways which would connect with the new classified road to be delivered as part of the CSLR scheme, and also to authorise the construction of new highways, the stopping up of private means of access to premises, the provision of new private means of access to premises and other associated works, including alterations to Public Rights of Way.

Cabinet considered there was a compelling case in the public interest to justify use of CPO powers to secure the land interests and rights required for the CSLR scheme to unlock SCGV. The Council must also secure the powers to make changes to existing highways.

Cabinet noted the CSLR scheme would unlock the development of the SCGV proposals and provide highway capacity and access to support the delivery of SCG, improve the strategic highway network (including connectivity between the M6, the A595 and West Cumbria, and address local transport issues (including relieving congestion on the southern routes in and out of Carlisle, by contributing to the provision of a full orbital route around Carlisle.

The Cabinet Member for Health and Care Services was delighted to see that the proposal included a continuous footpath and cycleway along the side of the proposed road and that it would be a 3m wide footway. This would ensure all joint footpath users interests would be served.

She asked whether, considering the major junctions along the road, there would be any provision for parking to allow people to park and then cycle into town, or perhaps some kind of park and ride scheme, using existing bus networks.

The Cabinet Member then asked a further question about the loss of trees. A scheme of this size would mean that a considerable amount of trees would be lost. She wondered what the plans were for replacing these and how this would be monitored going forward.

The Cabinet Member for Highways and Transport responded to say that the development of the Carlisle Southern Link Road was being delivered to unlock the development of the garden village and Carlisle City Council was responsible for this. Master planning for the garden village was underway and Cumbria County Council was working alongside City Council colleagues on this. He reassured the Cabinet Member for Health and Care Services that low carbon was one of the 9 guiding principles for the garden village. This master planning work would then feed into the Local Plan for the Garden Village. Although there were no specific plans for any park and ride schemes, not for any large areas of tree planting, sustainable transport and natural capital would be a matter for inclusion in the Local Plan. Cabinet would be kept informed of the development plans going forward.

The Cabinet Member for Environment said Cumbria was one of the Local Nature Recovery Strategy pilot areas, and that one of objectives of this was that the programme would track where areas of the environment were being lost, and development such as this one would be considered as part of that work.

RESOLVED, that Cabinet agrees to

- (1) Authorise the Executive Director, Economy and Infrastructure (or in her absence the Chief Executive) in consultation with the Leader and Portfolio Holder for Highways and Transport, to take all appropriate actions necessary for the purpose of negotiating the terms and conditions to acquire by agreement the land and new rights over land which are needed to allow the construction, operation and maintenance of the CSLR.

- (2) Authorise the making of a Compulsory Purchase Order (or Orders) pursuant to Sections 239, 240, 246, 249, 250 and 260 of the Highways Act 1980 and all other enabling powers, to be known as "The Cumbria County Council (Carlisle Southern Link Road) Compulsory Purchase Order 2020", a draft of which is at Appendix 1, for the compulsory purchase of land and rights required for the CSLR within the area shown on the draft Order Map (also at Appendix 1).
- (3) Authorise the making of a Side Roads Order (or Orders) pursuant to Sections 6, 14 and 125 of the Highways Act 1980 and all other enabling powers, to be known as "The Cumbria County Council (A689 (Carlisle Southern Link Road) Classified Road) (Side Roads and Other Works) Order 2020" to improve or stop up existing highways, to construct new highways and to stop up and provide replacement private means of access as required to deliver the CSLR (subject to the Council entering into an agreement with Highways England under section 6 of the Highways Act 1980); a draft of the Side Roads Order is at Appendix 2.
- (4) Authorise the Executive Director - Economy and Infrastructure (or in her absence the Chief Executive) to take all appropriate actions necessary for making any amendments or modifications, including updates or corrections to the draft CSLR CPO and SRO (at Appendices 1 and 2) should these be necessary and for finalising and making the CSLR CPO and SRO (such amendments or modifications do not include additions to the proposed area of land take under the CPO).
- (5) Authorise the Executive Director - Economy and Infrastructure (or in her absence the Chief Executive) to take all necessary action to secure the making, submission to the Secretary of State for confirmation, and (if confirmed) implementation of the CSLR CPO and SRO, including the publication and service of all requisite notices on relevant parties and the negotiation and completion of any necessary agreements and undertakings in order to secure the removal of objections to the CPO and/or SRO (where such agreements or undertakings are appropriate), and to secure the presentation of the Council's case at any Public Inquiry.
- (6) Subject to confirmation of the CSLR CPO and SRO, authorise the Chief Legal Officer to take all necessary action to implement the CSLR CPO and SRO and to acquire all land, interests in land and/or new rights over the CPO land and/or possession of the CPO land as necessary, including the service of Notices to Treat

and Notices of Entry, or as the case may be, the execution of General Vesting Declarations.

- (7) Authorise, in the event that any question of compensation is referred to the Upper Tribunal (Lands Chamber) the Executive Director – Economy and Infrastructure (or in her absence the Chief Executive), in consultation with the Chief Legal Officer, to take all necessary steps in connection with the conduct and, if appropriate, settlement of such proceedings.
- (8) Authorise the Executive Director - Economy and Infrastructure to seek to acquire the land and rights (or to extinguish rights) required for the CSLR Scheme by agreement and to take all necessary steps to enable the negotiation of and entering into the agreements necessary to complete such acquisitions.
- (9) Authorise the Executive Director - Economy and Infrastructure to take all necessary steps to enable the negotiation and approval of the payment of relevant and reasonable professional fees incurred by landowners and others with compensatable interests in taking professional advice in connection with the acquisition of their interests required for the CSLR and related compensation claims and also in advancing the development or implementation of the CSLR.
- (10) Approve the additional contributions of £138.018m (£136.957m to the Capital Programme 2020/21 – 2024/25 and £1.061m to 2025/26), following approval of the CSLR GDA at its meeting on the 23rd July 2020, and the signing of the GDA on 31st July 2020.

The meeting ended at 10.25 am