

**RECORD OF EXECUTIVE DECISION TAKEN BY AN EXECUTIVE MEMBER**

This form **MUST** be used to record any decision taken by the Elected Mayor or an individual Executive Member (Portfolio Holder).  
 The form must be completed and passed to the Head of Members' Services no later than NOON on the second working day after the day on which the decision is taken. No action may be taken to implement the decision(s) recorded on this form until 7 days have passed and the Head of Members' Services has confirmed the decision has not been called in.

**1. Description of decision**

To approve the sum of £198,300 from the General Contingency to be used to enable preparatory technical work to continue towards the delivery of the Bedford Western bypass – Northern Section.

**2. Date of decision**

10<sup>th</sup> June 2013

**3. Reasons for decision**

To avoid the risk of statutory procedures not succeeding and to enable negotiations with relevant parties to continue.

**4. Alternatives considered and rejected**

Legal advice has confirmed that the alternative approach of continuing with the CPO and SRO would expose the Council to a significant level of risk

**5. How decision is to be funded**

The decision will be funded from the General Contingency

**6. Conflicts of interest**

Name of all Executive members who were consulted AND declared a conflict of interest.	Nature of interest	Did Standards Committee give a dispensation for that conflict of interest? (If yes, give details and date of dispensation)	Did the Chief Executive give a dispensation for that conflict of interest? (If yes, give details and the date of the dispensation).
None			

The Mayor has been consulted on this decision

N/A

Signed *David Hodgson*

Date *10<sup>th</sup> June 2013*

Name of Decision Taker *MAYOR DAVID HODGSON*

**This is a public document. A copy of it must be given to the Head of Members' Services as soon as it is completed.**

Date decision published: *11<sup>th</sup> June 2013*

Date decision can be implemented if not called in: *20<sup>th</sup> June 2013*

(Decision to be made exempt from call in.....~~YES~~ or NO.....)

## **Bedford Borough Council – Mayor**

**10 June 2013**

**Report by: Assistant Director (Highways and Direct Works)**

**Subject: Bedford Western Bypass Northern Section – Preparatory Funding**

### **1. Executive Summary**

- 1.1 The Bedford Western Bypass – Northern Section is a key element of the Local Transport Plan 2011 – 2021 and other Council policies as high priority major project to be delivered.
- 1.2 Previous decisions have authorised the funding of the design and publication of a Compulsory Purchase Order (CPO) and Side Roads Order (SRO). The publication of the CPO and SRO has identified objections from landowners, Network Rail and an issue between the Highways Agency and Bedford Land Investments which impacts on the bypass. As a consequence of these, on-going technical works are required to investigate and assess their merits and identify if the objections and issues can be overcome through design or modification.
- 1.3 The purpose of this report is to request approval of the funding needed to continue with the technical work in order that the momentum of delivery is maintained.

### **2. Recommendations**

**It is recommended that the Mayor consider, and if satisfied, approve the sum of £198,300 from the General Contingency to be used to enable preparatory technical work to continue towards the delivery of the Bedford Western bypass – Northern Section.**

### **3. Reasons For Recommendations**

- 3.1 Completion of the Bedford Western Bypass – Northern Section (“the Bypass”) is a high priority for the authority and for the future of the area. When complete, the Bypass will allow around 1,200 new homes (including affordable dwellings) to be constructed, enable a new employment park providing 650 new jobs and a major country park in accordance with approved Local Plan Policy H8.
- 3.2 Whilst it was previously envisaged that the Bypass would be implemented by the private sector as a development led project, lack of progress has required the Council to take an increasingly proactive role in securing its delivery.

- 3.3 The land required for the proposed Bedford Western Bypass – Northern Section and for the associated alterations to existing highways is in multiple ownerships. Negotiations with Landowners have been conducted over a number of years but the Council has been unable to acquire this land by agreement. It therefore resolved to use its powers to acquire the land and rights compulsorily.
- 3.4 Since publication of the CPO and SRO and the receipt of objections, the Council has been in negotiation with all objectors. A number of objections have since been withdrawn, but four objectors remain. Work continues to resolved or mitigate these. As there was a risk that this would not be possible prior to planned commencement of the Inquiry in July 2013 and that one or more of the objections would be upheld at the Inquiry and the Orders not confirmed,, the Council considered that it would be more appropriate to withdraw the Orders at this time.
- 3.5 The Council’s approach is to seek to overcome the remaining objections and acquire the land and rights needed by agreement.
- 3.6 This report therefore recommended making financial provision to continue to explore with the developers and objectors whether design alterations or resolution of other matters could overcome their concerns. If these negotiations do not succeed then the Council would be able to re-publish the Orders (in the same or amended form) at a future date. A future decision would be required to approve re-publication of the Orders in whole or in part when and if considered appropriate.

#### **4. Key Implications**

##### Legal Issues

- 4.1 The Bypass is a core element of the Local Transport Plan and has clear benefits in the public interest which cannot accrue unless the scheme is implemented. The Council has carefully appraised the benefits of providing the Bypass to the general public and concluded that there is a compelling case to the use of its powers to implement the Bypass in the public interest.
- 4.2 There are no new legal issues arising directly from this report. There will be legal issues arising from the agreements and obligations associated with any external funding to be secured.

##### Policy Issues

- 4.3 Bedford Western Bypass has been a feature of national and local policy for some 30 years, and has been subject to significant scrutiny, consultation and review.
- 4.4 Support for Bedford Western Bypass is included in all relevant current local policy statements, including:
- Local Investment Plan, 2010
  - Sustainable Community Strategy 2009-21
  - Corporate Plan 2012-2016 (Objective 2A)

- Local Transport Plan 2011-2021
- Core Strategy and Rural Issues Plan 2006-2021 (Adopted April 2008) (Part of the Local Development Framework)

4.5 The policy background to the scheme was an important aspect of considering the planning application for the scheme where it was judged that the proposal complied with the Local Transport Plan, Local Plan and the adopted Development Brief for the area.

#### Resource Implications

4.6 Since objections were made to the CPO and SRO, expert technical and legal representation has been procured to investigate the merits of these objections. Whilst some objections have been withdrawn efforts will continue to have all remaining objections withdrawn; this will require ongoing technical work. The costs of this work to the end of July 2013 have been estimated at £198,300 and it is therefore recommended that this sum is identified from contingency to cover the cost of professional and legal representation over this period.

4.7 Should negotiations to overcome objections not succeed then it may be necessary to re-publish all or part of the CPO.

#### Risk Implications

4.8 There is a risk that the Council will not be able to secure through design and mitigation the agreement of the landowners to the issues raised that caused them to object to the CPO/SRO. In this event it would be necessary to pursue an Inquiry.

#### Environmental Implications

4.9 The environmental implications of the Bypass have been considered through the preparation of an Environmental Statement that accompanied the planning application. A number of conditions are attached to the Bypass planning consent to mitigate any adverse impacts identified.

4.10 There are no environmental implications arising from this report.

#### Equalities Impact

4.11 A relevance test and Level 1 Equality Analysis for the Bypass has been completed and reported previously. There are no further equality issues arising from this report.

## 5. Details

### **Introduction and Background**

- 5.1 Completion of the Bedford Western Bypass – Northern Section is a key priority for the Council, as set out in the Corporate Plan and other key policy statements. For example:

#### Local Investment Plan, 2011-14

‘The exceptional priorities deliverable in conjunction with the Homes and Communities Agency and other partners are: 1. Bedford Western Bypass Phase 2 A428-A6 Link (Cost c. £16-20m)’

#### Sustainable Community Strategy 2009-21

‘As well as focussing on major new infrastructure such as the Bedford western bypass and the improved railway station for the town, meeting the transport needs of the Borough will require improvements to public transport and increased opportunities for walking and cycling.’

#### Corporate Plan 2012-2016 (Objective 2A)

‘Our focus is on securing the completion of the second phase of the Western Bypass. Achieving this will relieve congestion and importantly help to unlock improvements to Bedford High Street.’

#### Local Transport Plan 2011-2021

‘Bedford Western Bypass Phase 2 ... The Borough Council is investigating ways of bringing forward this link within the context of land ownership and outstanding development.’

#### Core Strategy and Rural Issues Plan 2006-2021 (Adopted April 2008) (Part of the Local Development Framework)

‘POLICY CP 28 - Local Transport Plan: The borough council supports the objectives, strategy and programme set out in the Local Transport Plan (LTP2), and expects that the following projects will be incorporated in the programme and implemented at the earliest opportunity: • Bedford Western Bypass’

- 5.2 Policy H8 of the Local Plan adopted in 2002 designated the Land North of Bromham Road as a development site and a Development Brief for the site was adopted as supplementary guidance in 2003. An outline planning application for the development site and bypass was considered by the Borough Council’s Planning Committee later in 2003 where it was resolved to approve the application subject to conditions and the conclusion of a S106 agreement, in line with heads of terms considered by the Committee. No S106 agreement was concluded.
- 5.3 The Council Executive revised the adopted Development Brief for the site at its meeting on 14 March 2012. The new policy requires applicants to make contributions to essential infrastructure, including the Bypass, proportionate to the impact of their development.

- 5.4 Planning Committee at its meeting of 23 April 2013 authorised the Assistant Director (Planning, Strategic Transport and Housing) to finalise terms of an acceptable development package in consultation with the Chair and Spokespersons of the Committee and grant planning consent on completion of these negotiations. Progress on these issues itself will help overcome the objections that were raised following the publication of the CPO and SRO.
- 5.5 The Council continues its discussions with landowners, Network Rail and other interested parties and it is hoped that these can be concluded in the near future.
- 5.6 Given these discussions there is a need to fund the ongoing support needed by the Council to bring the road forward. Accordingly, a sum of **£198,300** is necessary to cover the project costs (professional and legal representation) up to the end of July.
- 5.7 The sum of **£198,300** can be funded from the General Contingency.

## **6. Summary Of Consultations And Outcome**

- 6.1 The following Council units or Officers and/or other organisations have been consulted in preparing this report:

Management Group  
Relevant Managers - None  
Organisation(s) - None

- 6.2 No adverse comments have been received.

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File Reference: BWBP-NS

Previous Relevant Minutes: Executive Decision 856, 30 September 2010  
Executive Decision 866, 28 October 2010  
Executive Decision 885, 23 December 2010  
Executive Decision 932, 27 June 2011  
Executive Decision 950, 16 September 2011  
Minute 106, Executive 14 March 2012

Executive Decision 1049, 3 August 2012  
Planning Committee minute 117 of 23 April  
(draft)

Background Papers: None

Appendices: None