



Minutes

of the Meeting of

The Council

Tuesday, 12 July 2022

New Council Chamber

Meeting Commenced: 6.00 pm

Meeting Concluded: 7.42 pm

Councillors:

Karin Haverson (Chairman)

Wendy Griggs (Vice-Chairman)

Mark Aplin

Mike Bell

Mike Bird

Mark Canniford

Ashley Cartman

Caritas Charles

James Clayton

Andy Cole

John Crockford-Hawley

Donald Davies

Catherine Gibbons

Hugh Gregor

Sandra Hearne

David Hitchins

Steve Hogg

Ruth Jacobs

Huw James

Patrick Keating

John Ley-Morgan

Phil Neve

Robert Payne

Marcia Pepperall

Bridget Petty

Geoffrey Richardson

Timothy Snaden

Mike Solomon

James Tonkin

Richard Tucker

Apologies: Councillors: Steve Bridger, Gill Bute, John Cato, Peter Crew, Ciaran Cronnelly, Mark Crosby, Caroline Goddard, Ann Harley, Nicola Holland, Lisa Pilgrim, Richard Westwood and Roz Willis.

Absent: Councillors: David Shopland.

Officers in attendance: Jo Walker (Chief Executive), Amy Webb (Director of Corporate Services), Sheila Smith (Director of Children's Services), Matt Lenny (Director of Public Health), Alex Hearn (Assistant Director (Placemaking & Growth)), Aaron Horner (Special Projects Officer) and James Willcock (MetroWest Phase1 Project Manager).

Partaking via Microsoft Teams: Councillors: Nigel Ashton, Peter Bryant, Caroline Cherry, Sarah Codling, Stuart McQuillan, Ian Parker, Terry Porter

Officers: Nicholas Brain (Assistant Director Legal and Governance), Alex Fear (Head of Major Infrastructure Projects), Hayley Verrico (Director of Adult Services), Alex Hearn (Assistant Director Placemaking and Growth), Hazel Brinton (Committee Services Manager), Maduabuchi Ani (Senior Project Manager).

COU Chairperson's Welcome

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The Chairperson welcomed everyone to the face-to-face meeting and noted that those councillors attending via Teams would not be in attendance formally or able to vote.

COU Public Participation, petitions, and deputations (Standing Orders 2 (vi) and 34 17)

None received.

COU Declaration of Disclosable Pecuniary Interest (Standing Order 37) 35

None declared.

COU Minutes

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Resolved: that the minutes of the meeting of 10 May 2022 be approved as a correct record.

COU Approval of the making of Compulsory Purchase Order(s) (and related Side 37 Roads Orders and Traffic Regulation Orders) for the Banwell Bypass and Highways Improvements scheme

Councillor Hogg presented the report. He informed members that officers had been engaging with landowners since 2020 and were now negotiating Heads of Terms with many of them. There was a proposal to enter into agreements with all landowners, but it was a condition of funding from Homes England that a Compulsory Purchase Order (CPO) was delivered to offset the risk of the non-delivery of land required for the project.

He noted that the project had been 18 months in its design with the input from non-statutory public consultations along the way. Wider mitigation works were not included in the CPO as these would be delivered under highways legislation. He added that negotiation and agreement with landowners was the preferred method of land assembly, but a CPO process needed to be run in parallel to be able to draw down Stage 2 funding from Homes England. Most of the land affected was

agricultural land with a small number of commercial and residential properties also involved. Further proposals would be coming to the Executive ahead of the construction contract and the CPO could be aborted if the scheme did not progress.

Motion: moved by Councillor Hogg and seconded by Councillor Solomon it was

Resolved: that the Council

- (a) approved the area to be the subject of a compulsory purchase order (“CPO”) or supplemental CPO as shown edged red on the plans published in the supplementary papers of 11 July 2022 which identifies the outline area of the land and rights to be acquired for the Scheme (“the CPO Land”) by voluntary acquisition or compulsory purchase;
- (b) authorised the making of CPO(s) by the Council under sections 239, 240, 246 and 250 of the Highways Act 1980 in respect of all or part of the CPO Land (including any additional land which may be required to deliver the Scheme as a result of the requirements of the Scheme planning permission), which includes any land or rights that may be required for environmental enhancement and mitigation, flood compensation, replacement land provision or otherwise needed for the Scheme;
- (c) authorised the making by the Council of Side Roads Orders (“SRO”) under the Highways Act 1980 as may be required for the Scheme;
- (d) authorised the making by the Council of Traffic Regulation Orders (“TRO”) under the Highways Act 1980 as may be required for the Scheme;
- (e) authorised the making by the Council of an application to the Secretary of State for Transport (“the Secretary of State”) for the grant of a certificate under section 19 of the Acquisition of Land Act 1981 (“section 19 certificate”) in respect of any special category land that may be required for the Scheme;
- (f) authorised all necessary steps to be taken to secure the making, confirmation and implementation of each CPO, SRO and any TRO (together “the Orders”) and section 19 certificate, including the publication and service of all notices, requisitions for information, statement of reasons and the preparation and presentation of the Council’s case at any public inquiry required to secure confirmation of the Orders and section 19 certificate by the Secretary of State;
- (g) noted, and give due regard in determining whether or not to authorise the making of the Orders, the public sector equality duty contained in section 149 of the Equality Act 2010 and the requirements of the Human Rights Act 1998, as detailed further in sections 3 and 9 of the report;
- (h) authorised agreements to be entered into with landowners to secure the withdrawal of objections to any of the Orders and/or a section 19 certificate and to authorise the Director of Place and the Director of Corporate Services to take all necessary steps to acquire by agreement land and/ or rights over the CPO Land, subject to any consideration payable being within the Scheme budget as set out in section 5 of the report;

- (i) delegated to the Executive Member for Major Infrastructure Projects the authority to make and submit the CPO, SRO and section 19 certificate to the relevant Secretary of State for confirmation and to take all necessary steps to secure the making, confirmation and implementation of the CPO and SRO, including the preparation and presentation of the Council's case at any public inquiry;
- (j) subject to confirmation of the CPO and SRO, delegated the authority to the Director of Place, and the Assistant Director Legal & Governance and Monitoring Officer to acquire all the land and rights over the CPO land, including service of a general vesting declaration, notice to treat or notice of entry, subject to any compensation to be paid being within the Scheme budget as set out in section 5 of the report;
- (k) delegated to the Executive Member for Major Infrastructure Projects, in consultation with the Director of Place, the authority to make any necessary amendments to the Orders;
- (l) delegated to the Director of Place and the Assistant Director Legal & Governance and Monitoring Officer (or the Executive Member for payments of over £500,000) the authority to negotiate and settle all necessary compensation and professional fees (including interim payments) either as agreed with landowners or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land or rights forming part of the CPO Land in accordance with the Land Compensation Act 1961, the Compulsory Purchase Act 1965 and the Land Compensation Act 1973 provisions in force at the relevant time and the body of case law relevant to the assessment of compensation, where any compensation to be paid is within the Scheme budget as set out in section 5 of the report;
- (m) authorised the instruction of the Scheme Project Team's legal advisers, Burges Salmon LLP, to prepare and serve such documentation as may be required for the Orders and section 19 certificate.

COU 38 **MetroWest Phase 1 Update**

Councillor Cartman presented the report noting that it was coming to Council because costs had increased and an additional £10m capital funding commitment was being sought. He added that the cost of not proceeding with the project would be £15m with the total cost to North Somerset taxpayers of £20m if it went ahead. Councillor Cartman informed members that it was expected the government would underwrite any additional cost increases that resulted from inflation. The additional funding required for the project was being met by the council, the West of England Combined Authority (WECA), and the Department for Transport (DfT) but that the council's decision to inject more funds was contingent on decisions of other bodies to also increase their funding and that the council would not bear future overrun costs.

In debating the report, members noted that the project was long overdue but welcomed the council's continuous commitment to the project which had been driven forwards by both previous and current administrations. They noted the