

Meeting:	Cabinet
Date:	13 November 2008
Subject:	Petts Hill Bridge and Highway Improvement Scheme Land Acquisition
Key Decision:	Yes
Responsible Officer:	Andrew Trehern, Corporate Director Community and Environment Services
Portfolio Holder:	Tony Ferrari, Portfolio Holder for Major Contracts and Property
Exempt:	No
Enclosures:	Plan showing land to be acquired.

Section 1 – Summary and Recommendations

This report seeks authority to purchase, by Compulsory Purchase if necessary, a strip of land in Northolt Road close to the junction with Petts Hill to facilitate the road and bridge improvement scheme.

Recommendations:

Cabinet is requested to:

- Approve the acquisition by the Council of the land at 505 Northolt Road, South Harrow, as shown hatched in red on the plan attached, from the owners and occupiers on terms to be agreed by the Corporate Director, Community and Environment Services.
- If terms cannot be agreed with the owners or the occupiers to authorise the making of a Compulsory Purchase Order to acquire the land under the Highways Act 1980 and the Acquisition of Land Act 1981, for the purpose of the road and bridge improvement scheme as outlined in this report.
- That the Corporate Director, Community and Environment Services be authorised to make minor variations to the plan to be attached to the Compulsory Purchase Order.

- That the Director of Legal and Governance Services be authorised to make and seal the Compulsory Purchase Order and to submit it for confirmation to the Secretary of State
- That the Director of Legal and Governance Services be authorised to sign all notices and orders in connection with the Compulsory Purchase Order and, if objections are received make arrangements for public inquiries and take all action in connection with the inquiries including the appointment of Counsel.
- That the Director of Legal and Governance Services be authorised to make General Vesting Declarations under the Compulsory Purchase (Vesting Declarations) Act 1981 in the event of the Compulsory Purchase Order being confirmed and/or serve notices to treat and notices of entry and to take all other requisite steps pursuant to the compulsory acquisition procedures to obtain possession of the properties if it is considered appropriate to do so, and to deal with any compensation issues, if necessary by way of reference to the Lands Tribunal

Reason: (For recommendation)

To enable officers to secure land that is required for the scheme.

Section 2 – Report

Introductory paragraph

This report seeks approval to the making of a Compulsory Purchase Order to acquire land on the approach road to the Petts Hill bridge which will aid the highway improvements associated with the scheme. In terms of the Council's Corporate Priorities the contents of the report contribute to improving the way the Council works for its residents and the well being of adults and children.

Background

The Council, the London Borough of Ealing, TfL and Network Rail are funding the bridge and highway improvements at Petts Hill. No 505 Northolt Road lies on the Harrow side of the approach road to the bridge It is owned by a private individual and is let for a term, understood to be 10 years from 2006, to a car hire company. The land required for the bridge and highway improvements comprises the front of their forecourt. The building known as 505 Northolt Road and remainder of the forecourt would not be required for the scheme.

Options considered and current situation

Initially only a small area of land in one corner of the property, approximately 10 m², was required for the scheme and compensation terms had been provisionally agreed with the owner and the tenant for the purchase of this land by the Council. However following a redesign of the scheme to give additional traffic lanes a larger area of 65 m², which comprises about one third of their forecourt, is required for the approach road. Negotiations have been undertaken to acquire the larger area of land but it has not been possible to agree compensation terms with the owner and the tenant. A final and best offer has been made by the Council but this has not been accepted by the

owners and the tenants. They have indicated that they would be prepared to sell their interests to the Council but only at a figure far in excess of the final and best offer already made and at a level which could not be recommended for acceptance.

Works Programme Schedule

November 2004 to June 2005 relocation of underground utilities to accommodate future widening to 4 lanes

February 2008 to March 2008 - site vegetation clearance works

August 2008 to November 2008 - New bridge foundation works

December 2008 to January 2009 - Removal of old bridge and installation of new bridge

February 2009 to July 2009 – Demolition of bridge abutments and clearance of Network rail land

April 2009 to October 2009 – Highway work beneath bridge, at Northolt Road/Alexandra Avenue junction, on Petts Hill. On Northolt Park station access path

October 2009 to November 2009 – Landscaping

This programme demonstrates the need to have certainty in respect of the acquisition of this parcel of land and reinforces the rationale for a Compulsory purchase order.

Why a change is needed

This acquisition will permit highway widening in the vicinity of the bridge and enable the introduction of two additional traffic lanes to reduce traffic congestion and provide bus priority, wider footway to ease pedestrian flow, improved pedestrian crossing facilities at the junction of Northolt Road with Alexandra Avenue, improved access for pedestrians and cyclists to Northolt Park Station and improved visibility for drivers and pedestrians in the area.

Risk Management Implications

If the recommendations are not approved, the scheme will still proceed but there will be a slight delay to the highway side of the project due to a further redesign of the approach road. The approach road would need to be re-aligned northwards resulting in loss of footway width and parking on service road opposite the land to be acquired.

Financial Implications

The acquisition costs of the land will be met from the capital grant from TfL, from the contributions by Ealing and by Network Rail and from Harrow's capital contribution.

Legal and Human Rights Implications

The Council has the power to acquire land under Section 120 of the Local Government Act 1972. If the land is to be acquired under a Compulsory Purchase Order, it will be acquired under the Highways Act 1980 and

Acquisition of Land Act 1981. A Statement of Reasons for making the Compulsory Purchase Order will be submitted to the Secretary of State together with the Order.

In the context of the compulsory purchase order process, the provisions of the Human Rights Act 1998 must be considered. Section 6 of the Human Rights Act 1998 provides that it is unlawful for a public authority to act in a way which is incompatible with a Convention right.

Article 1, First Protocol of the European Convention on Human Rights grants a right to the peaceful enjoyment of possessions. However, the interference with this right must be balanced against the public benefits of the scheme. It is also relevant that compensation will be payable and that there is a right of appeal.

Due to the above considerations, it is not considered that the provisions of the Human Rights Act 1998 will be infringed if it becomes necessary to make a compulsory purchase order.

Performance Issues

Key Question	Points to Cover
Which performance indicators will be impacted by the proposal?	<p>1. Which performance indicators will be impacted?</p> <p>No National Indicators, BVPIs, or KPIs will be impacted</p> <p>2. Which key lines of enquiry under Use of Resources or Corporate Assessment would be impacted?</p> <p>This action will contribute to improving the flow of traffic at this congested junction.</p>

Risk Management Implications

Detailed above

Risk included on Directorate risk register? No

Separate risk register in place? No

Section 3 - Statutory Officer Clearance

Name: Sheela Thakrar



on behalf of the
Chief Financial Officer

Date: 15/10/2008

Name: Rachel Jones



on behalf of the
Monitoring Officer

Date: 21/10/2008

Section 4 – Performance Officer Clearance

Name: Anu Singh



on behalf of the
Divisional Director
(Strategy and
Improvement)

Date: 15/10/2008

Section 5 - Contact Details and Background Papers

Contact: Ian Brown, Senior Estates Surveyor 020 8424 1254
ian.brown@harrow.gov.uk

Background Papers: Previous reports