

## **NORTH SOMERSET COUNCIL DECISION**

**DECISION OF:** THE DIRECTOR OF PLACE AND THE DIRECTOR OF CORPORATE SERVICES (SECTION 151 OFFICER)



**DECISION NO:** 24/25 DP 319

**SUBJECT:** ACQUISITION OF LAND AT EASTERMEAD FARM BY VARIATION OF EXISTING DEED AND PAYMENT OF COMPENSATION FOR THE ACQUISITION OF LAND FOR BANWELL BYPASS SCHEME (PART RETROSPECTIVE DECISION)

**KEY DECISION:** NO

### **REASON:**

Each transaction will amount to less than £500,000 or where it exceeds this amount the financial commitment has been accounted for in the decision to make CPO at Full Council on 12 July 2022 (COU37) and Supplemental CPO (COU112) on 21 February 2023. In addition, it does not have a significant impact on communities living in two or more wards.

### **BACKGROUND:**

Full Council on the 12 July 2022 (COU37) authorised the making of a compulsory purchase order (CPO) for the Scheme. Following this, Full Council on the 21 February 2023 (COU112) authorised the making of a supplemental compulsory purchase order (Supplemental CPO) for additional land required to deliver the Scheme.

COU37, Full Council gave authority (resolution (h)) to authorise agreements to be entered into with landowners to secure the withdrawal of objections to the CPO 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 of 12 July 2022.

Decision COU112, Full Council resolved (resolution (f)) to authorise agreements to be entered into with landowners to secure the withdrawal of objections to the Supplemental CPO and authorised 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 Supplemental CPO Land, subject to any consideration payable being with the Scheme budget (section 7).

Following a successful Compulsory Purchase Order (CPO) public inquiry held in July 2023, on 29 January 2024 the Council received confirmation from the Secretary of State that the Orders have been approved. The serving of the general vesting declaration (GVD) was served 7 May 2024 to the landowners with vesting completing 16 August 2024. The

project team and their land agents have been working to negotiate and now settle claims for compensation that have been received.

The list in Schedule 1 summarises previous decisions where landowners where agreements have been secured. Many of the agreements note that within a set amount of time (typically 5-10 days of the agreement being countersigned by both parties, payment must be made. Both Section 151 officer and Director of Place were consulted on processing these payments, a note against the payment in Schedule 1 details whether this is a retrospective decision.

In order to deliver the Scheme, the Council needs to vary the property interests at Eastermead Farm, Banwell. The Deed surrenders part of an Agricultural Holding Act 1986 tenancy shown edged green on the plan attached (the Land) and under which the tenant surrendered to North Somerset Council (the Council) all its estate, interest and rights in the Land. Decision 24-25 DP122 gave authority to enter into agreement and DP456 make an advanced compensation payment of £72,500 with Mr P Davies to Surrender the lease of the land. It did not authorise the Deed of Variation for the land with Development and Asset Management Team at North Somerset Council and associated compensation payment to them. This approval is being sought in this decision.

A separate decision is being made to appropriate the land from agricultural land use to highways use at Eastermead Farm.

**DECISION:**

To retrospectively authorise the Council to enter into compensation agreements with North Somerset Council (Development and Asset Management) for a Deed of Variation at Eastermead Farm, Banwell.

AND

To authorise the payment of settled compensation with the landowners detailed in Schedule 1.

**REASONS:**

The Council require the interests in the land to be varied through a Deed of Variation to the lease to facilitate the delivery of Banwell Bypass at Eastermead Farm.

The Compulsory Purchase Order enables the Council to acquire the land and rights and are liable to pay compensation in accordance with the compensation code with the compensation amounts agreed in the withdrawal letters and compensation agreements.

**OPTIONS CONSIDERED:**

1. To enter into compensation agreements at a lower consideration value. However, the value ascribed in this report is based on advice provided by the Council's land agents and is considered to be a necessary and appropriate amount in order to acquire the land and rights for the Scheme.

2. To not proceed with the other purchasing of land and compensation transactions listed in Schedule 1. As we have given notice under the General Vesting Declaration we are obliged to pay compensation. Compensation paid after the vesting date incurs interest. Without the land the Council cannot proceed with delivery of the scheme.

### **FINANCIAL IMPLICATIONS:**

Schedule 1 below sets out the audit trail where decisions were taken to enter into agreement and the compensation that has been agreed. The final column notes the property cost estimate that had been assumed to inform the land budget. These payments do not account for professional fees for the land negotiations, these will need to be paid and estimates are accounted for within the property cost estimates.

### **Schedule 1**

<b>Landowner</b>	<b>Type of agreement</b>	<b>Decision</b>	<b>Compensation amount payable</b>	<b>PCE</b>
Swain	Compensation agreement	24-25 DP122 (to enter into agreement)	<b>£35,000</b>	£50,000
Banwell PCC	Compensation agreement	23-24 DP107 (to enter into agreement)	<b>£55,000 (retrospective)</b>	£70,000
NSC	Deed of Variation	Covered within this decision	<b>£380,657</b>	£386,657
Harding	Compensation agreement	DP106 (to enter into agreement) DP240 (authority to pay the licence fee)	<b>£706,000</b>	£821,000
<b>Total</b>			<b>£1,176,657</b>	<b>£1,327,657</b>

These payments will be funded from cost centre KDT702. The land budget has been forecasted using the Property Cost Estimate Report prepared by Fisher German, the Scheme's land agent. This cost centre covers all costs associated with the land assembly for Banwell bypass.

### **LEGAL POWERS AND IMPLICATIONS**

The Council's legal advisers have negotiated and approved the terms and conditions for the transaction at Eastermead Farm and have advised that the terms agreements are acceptable and sufficiently protect the Council's position.

Following the vesting of the CPO land on the 16th August the Council has to make the compensation payments to landowners as per the terms of the agreements.

### **CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

There are no climate change or environmental implications as a result of this decision.

## CONSULTATION

As per consultation section in decisions 23/24 DP106, DP107, DP456 and 24-25 DP122 and DP240.

## PROCUREMENT

N/A

## RISK MANAGEMENT

Risk	Inherent Risk Score	Residual Likelihood	Residual Impact	Residual Risk Score	Comment
The compensation payments are disputed	LOW	1	1	LOW	Compensation with these landowners was settled at the point of inquiry or have been agreed in advance of the CPO coming into action.
The Council cannot turn around payments within the timescales	LOW	1	1	LOW	CHAPS process to be used.

## EQUALITY IMPLICATIONS

Have you undertaken an Equality Impact Assessment? Yes

An Equality Impact Assessment (EqIA) was undertaken for the Scheme at preliminary design, in support of the Planning Application. Equalities impact assessments have also been taken for the CPO and the supplemental CPO.

We will update the Equality Impact Assessment (EqIA) at various stages throughout the project.

## CORPORATE IMPLICATIONS

The delivery of future housing allocation to be set out in the emerging Local Plan is intrinsically linked to the delivery of Banwell bypass. The bypass supports the vision and priorities of the current Corporate Plan (2020-2024).

## APPENDICES



Eastermead Farm  
(Plan 3).pdf

## BACKGROUND PAPERS

Decisions:

23/24 DP106 Landowner Agreement

23/24 DP107 Landowner Agreement

23/24 DP456 Authority to make Payment

24/25 DP122 Landowner Agreement

24/25 DP240 Authority to make licence payment

The CPO Report (COU37) dated 12 July 2022

The Supplemental CPO Report (COU112) dated 21 February 2023

SIGNATORIES:

DECISION MAKER(S):

Signed:

Director of Place

Date: 24 October 2024

Signed:

Director of Corporate Services (S151)

Date: 24 October 2024