

Environment Development and Transport Committee

Item No.

Report title:	Colney Bowthorpe Bridge Link
Date of meeting:	27 January 2016
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services

Strategic impact

“Good infrastructure – We will make Norfolk a place where businesses can succeed and grow. We will promote improvements to our transport and technology infrastructure to make Norfolk a great place to do business.”

Sub-outcomes are:

A good transport network and journey times. The transport network underpins the local economy and enables people to access to jobs, learning and essential services.

As such, this infrastructure improvement associated with new housing at Bowthorpe and expansion of the Norwich Research Park, will reconnect two existing public rights of way through the construction of a bridge, enabling a direct route to be used for journeys to work on foot and by bicycle, and enabling improved access to the existing Yare riverside path.

Executive summary

This report sets out the background to the Colney Bowthorpe Bridge Link project, funded by the Greater Norwich Infrastructure Investment Fund (CIL), and why there is a need to make a compulsory purchase order (CPO).

Recommendations:

Members are recommended to:

- **Authorize the making of a CPO pursuant to section 226(1)(b) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to enable a footbridge to be constructed over the River Yare at Colney so as to link two existing public rights of way and**
- **To delegate to the Executive Director of Community and Environmental Services the power to determine the precise boundaries of the land to be included in the CPO and the extent of the rights in the land sought to be acquired.**

1. Proposal

- 1.1. The main element of the project involves the construction of a new footbridge across the River Yare which will provide a link from Bowthorpe Southern Park (land owned and maintained by Norwich City Council) to an area of land to the south of the river at Colney within South Norfolk Council where the land ownership is unknown.

- 1.2. The route has historic importance as it is a former drover route. It is designated as a public footpath on the northern bank (Norwich FP3) however on the southern bank it is designated as a bridleway (Colney BR2). The latter designation continues over to the river frontage on the north bank. The route is currently little used as the original bridge fell into disrepair and it is believed that just after the 2nd World it was swept away in a flood event.
- 1.3. The project is part of a series of improvements to green spaces in Bowthorpe associated with the housing expansion at Three Score. Reconnecting the two public rights of way through the construction of a bridge, will enable a direct route to be used for journeys to work on foot (large numbers of Bowthorpe residents work at the research park/hospital). It will improve access to Bowthorpe Southern Park for workers at the research park and will enable the existing riverside path along the river Yare (part of the Yare Valley walk) to be accessed more easily.

1.4. The need for CPO

Strenuous efforts have been made to ascertain relevant land ownership (refer to 5. Background Section below).

The County Council has the power under section 226(1)(b) of the Town and Country Planning Act 1990 to compulsorily acquire land where needed for the proper planning of an area. Under section 13 of the Local Government Act (Miscellaneous Provisions) Act 1976 the Council can acquire rights over land rather than the full freehold interest. In this case it is proposed to acquire:

- the freehold of a small section of river and of a small piece of land on the south side of the river bank, where the bridge will be constructed (shown coloured red on the plan in Appendix 1)
- rights of access for bridge construction and maintenance purposes over the track (shown coloured blue on the plan in Appendix 1).

- 1.5. It is recommended that the precise boundaries of the CPO land are determined by the Executive Director of Community and Environmental Services as well as determining the description of the rights that are to be acquired.
- 1.6. The test the Secretary of State applies in deciding if a CPO should be confirmed (and one which a local authority should apply when considering making a CPO) is that of a compelling case in the public interest. This test is considered to be met in this case. The land shown coloured red and blue on the attached plan is required to deliver the bridge project. That part comprising the river is needed for the bridge itself (in red). That part comprising the track to the B1108 will be needed for access to the bridge for maintenance purposes (in blue). Any CPO interferes with the human rights of those with an interest in the land. Where the “compelling case” test is met, any such interference is considered to be proportionate and lawful.

2. Evidence

- 2.1. This project was approved by the Greater Norwich Growth Board in November 2015 as part of the Greater Norwich Annual Growth Programme for 2016/17, recognising the project as one “essential to the delivery of planned growth” in the area. The project contributes to meeting the Joint Core Strategy Objectives 7, 9 and 11, promoting greater use of sustainable modes of transport, encouraging

the development of healthy and active lifestyles, and providing better access to river valleys.

- 2.2. The provision of the link compliments a number of Norfolk County Council projects and strategies, including the 'Pushing Ahead' Project which promotes active travel initiatives to maximize the use of the current and planned investment into infrastructure for walking and cycling, the emerging Cycling and Walking Strategy, and the Rights of Way Improvement Plan (2007 – 2017).

3. Financial Implications

- 3.1. The CPO process will involve legal costs of about £1,500 and administrative costs of about £2,000 (principally the costs of various statutory notices).

The costs will be met from the project budget. Budget approval for £150,000 from the Greater Norwich Infrastructure Investment Fund was given by the Greater Norwich Growth Board in 2015 for expenditure in 2016/17. A further £11,000 of Section 106 monies was secured from development in Bowthorpe and additional funding of £15,000 has been offered by the Environment Agency to secure benefits for biodiversity.

- 3.2. Expenditure to date has covered:
 - Engineering, landscape and project management fees,
 - Topographical, tree and ecology surveys
 - Planning application fees
 - Emergency works to river bank
- 3.3. In line with the partnership funding arrangement, Norwich City Council are working in collaboration with Norfolk County Council and South Norfolk Council on this project. Recently the Environment Agency became partners, contributing additional funding to enable the construction of biodiversity enhancements including the creation of a refuge for juvenile fish and a new connection to the river via a spillway.

4. Issues, risks and innovation

- 4.1. As the land in question is in unknown ownership it is not anticipated that a landowner will come forward to object. (It is only a landowner objection that would trigger a public inquiry). It is not anticipated either that a landowner will come forward to claim compensation at the end of the CPO process.

5. Background

- 5.1. Norwich City Council owns the northern half of the River Yare where the new bridge is to go, and the land on the northern bank where the bridge will land. The southern half of the River Yare where the bridge is to be provided is in unknown ownership. The strip of land leading from the B1108 to the bridge crossing point (and which comprises the bridleway already referred to) is similarly in unknown ownership. The project has been reported on a monthly basis to the Greater Norwich Growth Board who were made aware of the land ownership issue in Spring 2016. Since that time strenuous efforts have been made to ascertain relevant land ownerships and discussions have taken place with officers from the

County Council, South Norfolk Council and NP Law to discuss the most appropriate course of action.

- 5.2. Land registry searches have not shed any light on the ownership of the area in question. Norwich City Council own the Bowthorpe Southern Park with their land ownership area extending to the centre line of the river which also demarcates the administrative boundary with South Norfolk Council. The land registry searches confirmed the boundaries of the two properties that lie adjacent to the strip of land (see Plan 1 in Appendix 1) that accommodates the Bridleway Colney BR2 and forms the unknown land in question.
- 5.3. In addition to land registry searches, extensive inquiries have subsequently been made via a number of routes to try to ascertain land ownership. They include asking local residents, the Parish Council, contacting other known land owners in the area and a review of historic records. Notices were also placed on site and an advert was placed in the Eastern Daily Press to satisfy the planning application requirements.

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, e.g. equality impact assessment, please get in touch with:

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