

## Record of Decisions

### Western Corridor Improvement, Paignton - Spruce Way to Churscombe Cross - Acquisition of Land - Compulsory Purchase Order (Mayoral Decision)

#### Decision Taker

Mayor on 05 February 2015

#### Decision

- (i) that that Head of Estates use his delegated authority to continue negotiations with the landowners for acquisition of the land required for the Western Corridor scheme to completion and to acquisition by agreement when possible;
- (ii) that authority be delegated to the Executive Head of Commercial Services to make a Compulsory Purchase Order for the land required for the Western Corridor Highway Improvement Scheme affecting land adjacent to the A380 Kings Ash Road in accordance with the following:-

That Torbay Council makes a Compulsory Purchase Order under sections 239, 240, 249, 250 and 260 of the Highways Act 1980 for the acquisition of all interests in the land (except those already owned by the Council) and new rights within areas shown (shaded pink for areas of land in respect of which all interests are to be acquired and shaded blue for the areas over which new rights are to be acquired) on plan number 8/9/14\_06 attached as Appendix 1 for the purpose of highway improvement.

- (iii) that the Executive Head of Commercial Services be authorised to:-
  - (a) take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;
  - (b) acquire interests in land and new rights within the Compulsory Purchase Order either by agreement or compulsorily; and
  - (c) approve agreements with land owners setting out terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order; and
- (iv) that detailed design and preparation of proposals continue for the highway improvement scheme in order that a scheme can be implemented following acquisition of all required sections of land.

#### Reason for the Decision

To enable the Council to acquire land between Spruce Way and Churscombe Cross for use as part of the Western Corridor Improvement, Paignton.

#### Implementation

This decision will come into force and may be implemented on Wednesday, 18 February 2015 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to

Overview and Scrutiny).

## **Information**

The submitted report seeks to ensure that the major highway improvement scheme for the Western Corridor, Paignton is delivered by requesting Members' approval to make a Compulsory Purchase Order for land required for the Scheme between Spruce Way and Churscombe Cross if agreement cannot be made with the land owners.

The Mayor considered the recommendations of the Council made on 5 February 2015 and his decision is set out above.

## **Alternative Options considered and rejected at the time of the decision**

Alternative options are set out in the submitted report.

## **Is this a Key Decision?**

Yes – Reference Number: I018222

## **Does the call-in procedure apply?**

Yes

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None

## **Published**

10 February 2015

Signed: \_\_\_\_\_  
Mayor of Torbay

Date: 10 February 2015