

SUBJECT:	Proposed acquisition of the former MOD railway line, Crick to Caerwent.
MEETING:	Council
DATE:	17th January 2018
DIVISION/WARDS AFFECTED:	All

1. PURPOSE:

To seek approval to acquire the former MOD railway line between Crick and Caerwent to facilitate a cycle and walk way and to enable an easement to service the Crick Road LDP development site.

2. RECOMMENDATIONS:

- 2.1 To agree to the acquisition of the former railway line as shown for identification purposes on the plan included at Appendix 2.
- 2.2 That the acquisition costs will be met from the sale proceeds of the Crick Road site.
- 2.3 That authority is delegated to the Head of Commercial and Integrated Landlord Services to negotiate the acquisition in accordance with the independent valuation dated 31st July 2018.

3. KEY ISSUES:

- 3.1 The Council is committed to the promotion of a healthy and active lifestyle and the promotion of the County as a walking and cycling tourist destination. The former MOD railway line was identified by the Countryside Service as a potential route and they commissioned Sustrans to undertake studies to identify its suitability and the potential liabilities that would result.
- 3.2 The line extends from Pill Farm Industrial Estate for approximately 2.9 kilometres where it adjoins the A48 as shown for identification purposes in Appendix 2. The route crosses over six bridges, which form part of the holding and therefore are the responsibility of the landowner, with the exception of the bridge that crosses the M48, which is maintained by SEWTRA. The line varies in width and height and is overgrown in places as it ceased to be used by the MOD a number of years ago. The railway track and sleepers remain in part of the route and will be transferred insitu.
- 3.3 The Council is in the process of disposing of the Crick Road residential development site and is investigating developing a new care facility at the same location. The proposed developers, Melin Homes, have been working on the development constraints and the attenuation of surface water drainage. The preferred strategy is to discharge surface water into adjoining Council land, but this will require an easement to cross the MOD railway line. The acquisition of this land will therefore enable the

Council to convert the line into a publically accessible walking/ cycle route, whilst enabling us to mitigate the surface water drainage on the Crick Road development site.

4 OPTIONS APPRAISAL

Option	Benefits	Risks	Comments
Do nothing	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> The site does not become available for public access and is instead sold to a private landowner. We will need to agree an easement with a third party owner or seek an alternative mitigation method for the surface water 	This would be the status quo option, but does nothing to improve active travel and healthy lifestyles or consider our obligations of the Well being of Future Generations Act (WBFGA)
Acquire the former MOD railway line	<ul style="list-style-type: none"> Will allow us to provide additional opportunities for walking and cycling and connect Portskewett with Caerwent. Enables us to enter into an easement with the developers of Crick Road and allows us to construct the new care home facility Supports the WBFGA 	<ul style="list-style-type: none"> There will be a cost implication to acquire and then manage the asset to ensure that it is suitable for the proposed use and fit for purpose. Residual liability for the bridges, which will need to be managed. The proposed route for the surface water is not suitable and an alternative provision will need to be made. 	This provides an opportunity to acquire a unique strip of land that will provide a safe route for cycling and walking. It will also enable the mitigation of the surface water, which is a concern for existing local residents and will be necessary for the residential development and the new care home. This is the preferred option

5. EVALUATION CRITERIA

See Appendix 1

6. REASONS:

- 6.1 There has been a long held aspiration to improve the cycle and walking routes in this area utilising the former MOD railway line.
- 6.2 Melin have been undertaking a site survey to establish if it would be possible to connect to existing surface water infrastructure in adjoining Council land, however it would require a pipe to cross the railway route. Initial indications are that this would be feasible.
- 6.3 The Crick Road development will provide circa 274 homes as well as the proposed care facility the provision of a new walking and cycle route will benefit the new occupiers as well

as the existing community and make a positive contribution to our obligations under the Well Being of Future Generations Act.

- 6.4 An adjoining landowner has indicated that they would like to undertake re-alignments to the route around the periphery of their field to improve the usability of their land as the route currently dissects the holding. In the event that we progress with the purchase, we will undertake discussions of the landowner on the basis that any re-alignment needs to be undertaken at their expense and must not impact on the route and its users.
- 6.5 The MOD acquired the land in the 1930's, we have obtained legal advice that Critchel Down rules will not apply given the change in the nature of the use of the land (physical engineering works and the use).

7. RESOURCE IMPLICATIONS:

- 7.1 The independent valuation report has indicated a range of between a £1 and £100,000 to acquire the railway line, dependent on whether the surface water drainage easement is required. Discussions have been undertaken on this basis and it has been provisionally agreed that the sale will be on the basis of a £100,000. In the event that a connection for surface water is not required, it is proposed that the purchase price will be £1.
- 7.2 It is proposed that the cost of the acquisition will be funded from the sale of the Crick Road Residential site. It is anticipated that the first receipt will be banked by the end of the current financial year.
- 7.3 A funding strategy will need to be devised to undertake the removal of the remaining railway track, the creation of a safe surface and additional entry points, where appropriate.

8. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING):

The proposal does not have any safeguarding or corporate parenting implications.

9. CONSULTEES:

SLT
Cabinet
Head of Legal Services
Head of Tourism, Leisure & Culture
Countryside Manager
S151 Monitoring Officer

10. BACKGROUND PAPERS:

Appendix 1 Evaluation Criteria
Appendix 2 Site Plan

11. AUTHOR:

Debra Hill-Howells Head of Commercial and Integrated Landlord Services

12. CONTACT DETAILS:

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**Appendix 1
Cabinet Member Decisions & Council**

Evaluation Criteria – Cabinet, Individual

Title of Report:	Proposed acquisition of MOD railway line
Date decision was made:	2 nd January 2019
Report Author:	Debra Hill-Howells
What will happen as a result of this decision being approved by Cabinet or Council?	
The Council will acquire the proposed MOD railway line and develop a plan to bring the route into public use as a cycle and walk way.	
12 month appraisal	

What benchmarks and/or criteria will you use to determine whether the decision has been successfully implemented?	
The land will have been acquired; A development and funding strategy is in place. Crick road development site is commenced.	
12 month appraisal	
<i>Paint a picture of what has happened since the decision was implemented. Give an overview of how you fared against the criteria. What worked well, what didn't work well. The reasons why you might not have achieved the desired level of outcome. Detail the positive outcomes as a direct result of the decision. If something didn't work, why didn't it work and how has that effected implementation.</i>	

What is the estimate cost of implementing this decision or, if the decision is designed to save money, what is the proposed saving that the decision will achieve?	
£100,000 acquisition price (max). Further costs to be clarified	
12 month appraisal	
<i>Give an overview of whether the decision was implemented within the budget set out in the report or whether the desired amount of savings was realised. If not, give a brief overview of the reasons why and what the actual costs/savings were.</i>	

Any other comments	
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Appendix 2

