

Report sponsor: Rachel North, Strategic  
Director of Communities and Place  
Report author: Chris Morgan, Principal  
Regeneration Manager

## **South Derby Growth Zone and Infinity Garden Village – Legal processes for land assembly and delivery**

### **Purpose**

- 1.1 Following the Cabinet Report of 15 February 2023, to note the land within Derby city's administrative boundary that Derbyshire County Council (DCoC) needs to acquire, in order to construct A50 junction and link road, noting that Cabinet approval was given to delegate Compulsory Purchase Order (CPO) powers to DCoC, in order for them to acquire land, at that meeting.

### **Recommendations**

- 2.1 To note the defined extent of the land within Derby city's administrative boundary which Derbyshire County Council (DCoC) need to acquire under the delegated Compulsory Purchase Order powers vested in DCoC by virtue of Cabinet minute reference 175/22 (see Appendix 2).
2. To note the full implications of the proposed Compulsory Purchase Order, as set out within Appendix 1 to this report.

### **Reasons**

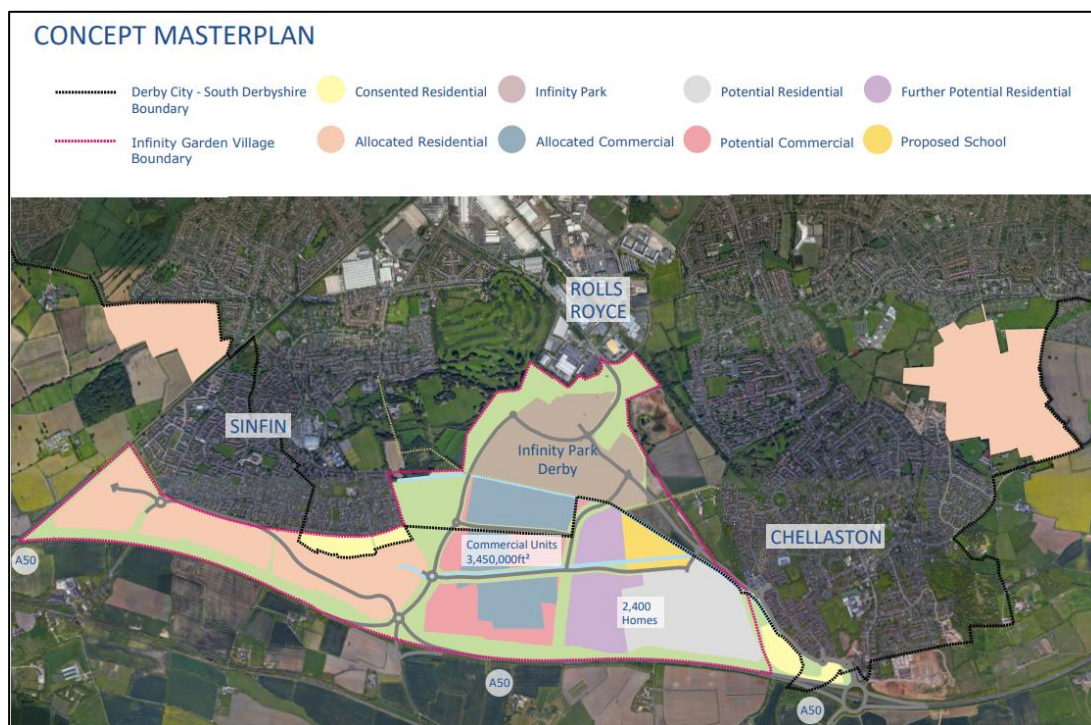
- 3.1 Whilst Cabinet approval has already been given to delegate CPO powers to DCoC, it is important to note the land that is needed to be acquired by DCoC that is within Derby city's administrative boundary, together with any potential human rights implications for Derby city residents, which are included within DCoCs Cabinet Report at Appendix 1.
- 3.2 Whilst the preferred approach to land acquisition is through negotiation with landowners, the challenging delivery timescale for the scheme requires that alternative arrangements are made through making the Compulsory Purchase Order; this will enable land assembly should negotiation not be successful.

## Supporting information

4.1 The benefits of SDGZ have been reported to Cabinet previously, however, it is worth repeating them here:

- Up to 4,500 new homes;
- A minimum of 3.4 million square feet new employment floor space;
- An additional 5,000 new jobs.

4.2 Image from the SDGZ Masterplan:



4.3 As reported at Cabinet on 15 February 2023, the project is progressing well, with next steps being:

- DCoC Completion of a Side Roads Order and the CPO (following this report);
- DCoC entering into the construction contract for the highways works with Galliford Try – July 2023;
- Detailed design – as this is a design and build contract, this will be done by Galliford Try;
- Completion of Final Business Case (following detailed design)

Start on site is anticipated to be January 2025, if a public inquiry is required as a result of the CPO, or Summer 2024, if all of the land can be secured by agreement.

- 4.4 Maps of the land required to be acquired by Derbyshire County Council are included with the County Council Cabinet report at Appendix 1.
- 4.5 There are implications of the DCoC making the CPO resolution, including potential human rights implications, which DCoC has helpfully outlined in its Cabinet Report, which is attached as Appendix 1 to this report. Cabinet is asked to note that Cabinet has already delegated its CPO powers to DCoC at 15 February Cabinet (minute reference 175/22) but that the land requirements indicated in the report have altered slightly as design has progressed.

### **Public/stakeholder engagement**

- 5.1 Extensive public consultation took place ahead of the submission of a planning application for the A50 junction and link road, which has planning consent. Regular liaison with parish/town councils and key stakeholder groups on the Growth Zone and Garden Village takes place through South Derbyshire District Council and the Infinity Garden Village Liaison Group, upon which the Council is represented.
- 5.2 Landowners, tenants and occupiers, to the extent that ownership is known, have been approached and engaged in discussion about the potential for the use of CPO powers. Negotiations have been ongoing with respect to the purchase of the land required and compensation, where ownership is known and landowners have been prepared to engage with the Council, noting that there is unregistered land within the scheme where ownership is not known. Where relevant, dialogue has also taken place and will continue to take place in relation to any mitigation works which may be required.
- 5.3 Notwithstanding discussions with interested parties, negotiations as to the value of compensation remains unresolved for the majority of interests. DCoC will continue to make meaningful attempts to reach agreement on a voluntary basis, where ownership is known and negotiation remains the preferred route to acquiring the order land, where possible.
- 5.4 Where mitigation measures are appropriate, The Council will support DCoC to take a proactive and sensitive approach to work with landowners, lessee and tenants to minimise adverse impact.

### **Other options**

- 6.1 The alternative route to land assembly for this project, through negotiation with landowners, remains the preferred option, and will be pursued in parallel to the recommended use of compulsory purchase powers.

## Financial and value for money issues

7.1 Finance remains as previously reported at 15 February 2023 Cabinet:

Cost heading	Costs (£)
A50 JUNCTION	£22,841,325
DUAL CARRIAGEWAY	£3,473,040
NORTH SOUTH LINK	£10,994,151
OFF-SITE INFRASTRUCTURE	£1,583,389
LAND BUDGET	£2,500,000
RISK	£9,978,183
INFLATION	£4,227,883
<b>TOTAL</b>	<b>£55,597,972</b>

Funding Sources	2022-23	2023-24	2024-25	Total
LUF	£6,751,797	£20,803,662	£22,042,513	£49,597,972
Private Sector			£6,000,000	£6,000,000
Total	£6,751,797	£20,803,662	£28,042,513	£55,597,972

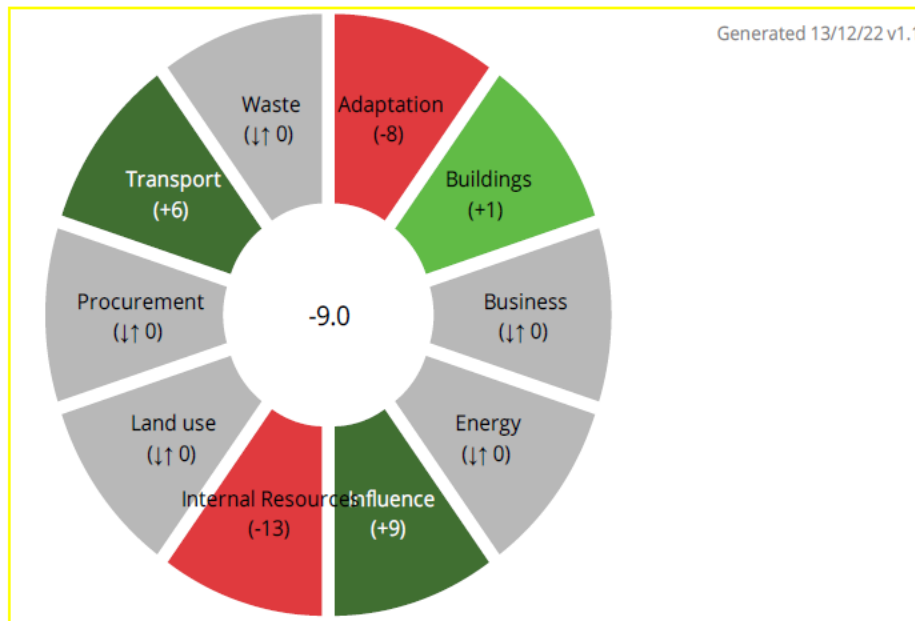
- 7.2 As earlier, Cabinet approval has been given on 15 February 2023 to delegate CPO powers within Derby city's administrative boundary to DCoC. Delegation of such powers to other Local Authorities is expressly permitted by virtue of powers set out in section 8 of the Highways Act 1980.
- 7.3 The construction contract is a fixed price contract and the initial cost estimate from the contractor is £44,856,954, which is still well within budget. Of course that could change with detailed design, leading up to Full Business Case.

## Legal implications

- 8.1 As earlier, Cabinet approval has been given on 15 February 2023 to delegate CPO powers within Derby city's administrative boundary to DCoC. Delegation of such powers to other Local Authorities is expressly permitted by virtue of powers set out in the Local Government Act 1972 (as amended).
- 8.2 The legal implications of the CPO, including the Human Rights implications are outlined in the DCoC Cabinet Report appended to this report.

## Climate implications

- 9.1 The Council's Climate Change Impact Assessment tool demonstrates that the project can have a strong impact in terms of transport mitigation, along with an influence in changing behaviours. Where the project is weak, which we know, is its resistance to climate – in particular surface water drainage and flooding, as the area is low-lying agricultural land.



## Socio-Economic implications

- 10.1 This project will create a new community, through Infinity Garden Village and we will attempt to monitor socio-economic implications as a result.
- 10.2 The requirement for Social Value in public contracts also means that contractor Key Performance Indicators will be specified, in relation to Socio-Economic implications, within the main construction contract. This may include employing local people and providing skills training, participating in Enterprise for Education events at schools.

10.3 We are developing an Equalities Impact Assessment that is specific to this project.

## Other significant implications

- 11.1 There are no Section 106 obligations arising directly from this project; however, there will be some local highways mitigation as a result of planning conditions. Section 106 obligations will stem from the wider SDGZ/IGV project.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu	20.07.23
Finance	Alison Parkin	20.07.23
Service Director(s)	David Fletcher	21.07.23
Report sponsor(s)	Rachel North	24.07.23
Other(s)		

### Background papers:

List of appendices: Appendix 1 – DCoC Cabinet Report  
Appendix 2 - Minutes of Cabinet meeting 15 February 2023