

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

<b>Reference Number:</b>	<b>5020</b>
<b>Author:</b>	<b>Gillian Bradbury</b>
<b>Department:</b>	<b>Growth and City Development</b>
<b>Contact:</b>	<b>Gillian Bradbury</b> <b>(Job Title: Senior Project Manager, Email: gillian.bradbury@nottinghamcity.gov.uk, Phone: 65261)</b>
<b>Subject:</b>	<b>TCF 2 New Cycle and Pedestrian Bridge Across the River Trent - Approval to obtain the necessary powers to construct a bridge over navigable water</b>
<b>Total Value:</b>	<b>£0 - funding for TCF Programme obtained at Exec Board in June 2020 (Type: Nil)</b>
<b>Decision Being Taken:</b>	<b>Delegate Authority to the Corporate Director of Growth and City Development to:(a)Negotiate and complete an agreement under S8 of the Highways Act 1980 with Nottinghamshire County Council to enable the deliver of a scheme that crosses two LHA administrative boundaries, in particular to enable Nocc to delegate authority to NCC to make a scheme under S106 (3) of the Highways Act 1980 and arrange for it to be confirmed by the SoS once planning permission is granted.(b) Commence the statutory process under the S106(3) of the Highways Act 1980 to obtain the authority from the Secretary of State to build a bridge over navigable water.(c) Note future Exec Board approvals which will be sought by the Bridge Project team ahead of entering into the delivery agreement to build the bridge and in relation to future maintenance arrangements and costs.</b>
<b>Reasons for the Decision(s)</b>	<b>Please see attached briefing note for details</b>
<b>Briefing notes documents:</b>	<b>230825-V1.0-PFH Decision for S106(3) and S8 Agreement-GB.docx</b>
<b>Other Options Considered:</b>	<b>Other options considered have included 'do nothing' This option was immediately discarded as the scheme would be unable to proceed without obtaining the necessary authority to construct a bridge over a navigable watercourse.</b>
<b>Background Papers:</b>	

**Published Works:**

**Affected Wards:**

Dales

**Colleague / Councillor  
Interests:**

**Consultations:**

Those not consulted are not directly affected by the decision.

**Crime and Disorder  
Implications:**

There are no crime and disorder implications associated with this decision.

**Equality:**

EIA not required. Reasons: There are no EIA implications associated with this decision.

**Relates to Council Property  
Assets:**

Yes

**Relates to Building  
Services:**

Yes

**Decision Type:**

Portfolio Holder

**Subject to Call In:**

Yes

**Call In Expiry date:**

14/09/2023

**Advice Sought:**

Legal, Finance, Property, Building Services

**Legal Advice:**

Legal advice in relation to this project is being provided by external solicitors.

In order for the proposed bridge to be constructed over navigable waters a scheme needs to be submitted to and approved by the Secretary of State under section 106 of the Highways Act 1980 (the Scheme). As the bridge will span both the City and County Highway Authorities' administrative areas advice has been received that the Scheme will need to be supported by an agreement made under s8 of the Act with the County Council (the Agreement). Such agreements usually cover arrangements between Highways Authorities in relation to which of them shall be responsible for exercising various functions in relation to the highway to be constructed and also in respect of its ongoing maintenance. Whilst Executive Board of 21 December 2021 authorised certain agreements to be entered with third party landowners it did not authorise either the completion of the Agreement nor the submission of the necessary Scheme so separate authority is now required .

Once submitted the Scheme will need to be advertised and if objections are received this may result in the need for a Public Inquiry. In these circumstances significant financial costs would be likely to be incurred and further external legal representation would be required. The briefing paper attached to this decision indicates that contingency arrangements are in place to cover this risk. Further reports or decisions may be required at a later date in order to progress and implement the Scheme should it be approved.

Advice provided by Ann Barrett (Team Leader) on 29/08/2023.

**Finance Advice:**

The approved capital programme includes a commitment within the Transforming Cities Programme for a cycle and pedestrian bridge to be constructed across the river Trent. This decision is required to enable the decision to progress and should this scheme not be delivered the Council will incur abortive costs.

As this decision has £nil value and doesn't amend the Capital Programme it doesn't require endorsement by the Capital Board.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 30/08/2023.

**Building Services Advice:**

The bridge and ramps will be adopted and managed and maintained by the Local Highway Authority which will include any inspection regimes therefore Building Services support this project. Advice provided by Trevor Bone (Property Maintenance Manager) on 14/12/2022.

**Property Advice:**

Strategic Assets & Property are aware of this project and are in support of it. The decision in this report does not raise any concerns or issues. Strategic Assets & Property will continue to support this project as and when required. Advice provided by Beverley Gouveia (Disposals & Development Manager) on 19/12/2022.

**Signatures**

Angela Kandola (PH for Highways, Transport, Planning)

SIGNED and Dated: 07/09/2023

Sajeeda Rose (Corporate Director of Growth & City Development)

SIGNED and Dated: 06/09/2023