

# Operational Decision Record

Publication Date 12 March 2024	Decision Reference Number 5105
<b>Decision Title:</b> Approval to cover landowners' reasonable professional costs associated with assembling land required to deliver the New Pedestrian and Cycle Bridge across the River Trent project.	
<b>Decision Value</b> up to £50,000	
<b>Revenue or Capital Spend?</b> Capital	
<b>Spend Control Approval</b>	
Has the spend been approved by Spend Control Board? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a Spend Control Board approval reference number: 3033, 5282, 6537 & 9035	
<b>Department</b> Growth and City Development	
<b>Contact Officer (Name, job title, and contact details)</b>	
Helen Wallace Senior Project Manager helen.wallce@nottinghamcity.gov.uk	
<b>Decision Taken</b>	
Provide approval for use of an additional to £50,000 of the projects budget to cover landowners reasonable and proper professional costs associated with assembling third party land that is required to deliver the New Cycle and Pedestrian Bridge over the River Trent project. This project is being delivered as part of the Transforming Cities Fund Programme, which is wholly grant funded and requires no match funding.	
<b>Reasons for Decision and Background Information</b>	
Nottingham City Council has secured grant funding from the Department for Transport's (DfT's) Transforming Cities Fund (TCF) to design and build a new cycle and pedestrian bridge over the River Trent, which will provide a new connection between Lady Bay and the Waterside Regeneration Zone.	

The Council currently do not own any of the land required to construct the scheme and will be assembling this land via the process of negotiation. *Compulsory Purchase Order (CPO) powers will not be used.*

Geldard's law firm have been appointed to provide conveyancing legal advice and support on the project. The land has been referenced and discussions have commenced with all the affected landowners as listed below:

1. Blueprint (General Partner) Ltd
2. Nottingham Waterside Management Company Ltd
3. Environment Agency
4. Nottinghamshire Sports Club Limited
5. Nottingham Forest Football Club Limited

As part of the land assembly process, the landowners will need to obtain professional advice to support in the preparation and negotiation of the land transactions. It is proposed the Council will reimburse the landowners *reasonable* professional fees associated with this matter and a proportion of the funding has been allocated for this within the overall budget.

Approval to use £100,000 of the funding was obtained in an Executive Decision on 12<sup>th</sup> October 2022. Since this time Geldard's have revised their pro-forma, which indicates these costs could reach £150,000. Therefore, an additional approval is now required for £50,000. Appendix 1 shows the revised estimates and reasons for the increase in costs. These relate to:

- Balfour Beatty proposing changes to the framework call off conditions, resulting in protracted negotiations between Geldard's and Balfour Beatty
- Lengthy negotiations with Blueprint and Manco in relation to the terms of the licence to allow intrusive surveys to take place
- Negotiations with Ramboll (Designer) in relation to format of collateral warranty

Approval to accept the TCF grant funding and delegate authority to the Corporate Director for Development and Growth to appoint preferred suppliers and contractors to deliver the programme was granted at Exec Board in June 2020.

A further approval to delegate authority to the Corporate Director of Growth and City Development to enter and secure the necessary land and highway agreements with third party landowners was approved at Exec Board in December 2021.

Following the advice of the Council's Constitutional Services team, an operational decision is now being sought to provide approval for the Bridge Project to cover the proper and reasonable professional fees incurred by landowners as part of the land assembly process up to and additional £50,000.

**Other Options Considered and why these were rejected**

Other options considered where do nothing – this option was immediately discounted as the bridge scheme would be unable to progress unless the land required to build the scheme is assembled.

### **Reasons why this decision is classified as operational**

The decision is classified as an operational decision as it is being taken within the agreed budget. The funding for this scheme has been awarded from Government's Transforming Cities Fund 2 and does not require match funding.

### **Additional Information**

You should consider:

- obtaining and recording advice if necessary from legal, finance or other colleagues
- informing relevant ward councillors if a decision particularly affects their ward
- whether an EIA, DPIA, Carbon Impact assessment or consultation exercise is required for this decision
- for capital spend, confirmation that the decision has been through the appropriate capital approval processes
- referring to any related previous decisions
- risks of the decision and any mitigation of those risks
- if the decision is approving capital spend, please include confirmation that the Chief Finance Officer has agreed to it.

#### **Finance Comments:**

The approved Transport Capital Programme includes an approved budget for this project. Therefore, the spend within this decision is already included within the approved capital budget.

Due to this decision not increasing the current approved Capital Programme and being wholly funded by external grant it means this decision does not require endorsement by the Capital Board.

Tom Straw, Senior Accountant (Capital Programmes) 19<sup>th</sup> February 2024

#### **Legal Comments**

Mick Suggett advised by email on 13<sup>th</sup> Feb 2024, that Helen Bell had looked at decision and made no further comments.

#### **Procurement Comments**

Johnathan Whitmarsh advised in his email of 21<sup>st</sup> Feb 2024, that there are no procurement implications.

### **Decision Maker (Name and Job Title)**

Sajeeda Rose

Corporate Director for Growth and City Development
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<b>Scheme of Delegation Reference Number</b>
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<b>Date Decision Taken</b>
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23/02/24
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