

A separate report is submitted in the private part of the agenda in respect of this item, as it contains details of financial information required to be kept private in accordance with Schedule 12A of the Local Government Act 1972. The grounds for privacy are that it refers to the identity, financial and business affairs of an organisation and the amount of expenditure proposed to be incurred by the Council under a particular contract for the supply of goods or services. The public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

Cabinet

11th April 2017

Name of Cabinet Member:

Cabinet Member for Jobs and Regeneration – Councillor J O’Boyle

Cabinet Member for City Services – Councillor J Innes

Cabinet Member for Public Health and Sport – Councillor K Caan

Director Approving Submission of the report:

Deputy Chief Executive (Place)

Ward(s) affected:

Whoberley, Earlsdon, Wainbody and Cheylesmore

Title:

Request to enter into Wayleave Agreement with Western Power Distribution to supply Jaguar Land Rover

Is this a key decision?

Yes, more than three Wards are affected with the request to approve a new Wayleave agreement.

Executive Summary:

The Council has received a request to enter into various Wayleave agreements with Western Power Distribution to allow them to lay new cables to facilitate an enhanced power supply to Jaguar Land Rover’s plant at Whitley. Having considered all the options that were made available, the conclusion reached would result in new cables being required to ensure a continued and enhanced power supply for Jaguar Land Rover.

The proposed route crosses various areas of Council owned land that does not form part of the adopted public highway and includes parts of War Memorial Park, Hearsall Common, Stivichall Croft woodland common and open space, Leaf Lane open space, and allotment sites at Beechwood Avenue and Highland Road Coventry.

Recommendations:

Cabinet is recommended to

1. Approve the request to enter into Wayleave agreements with WPD for the laying of cables through Council owned land (except the War Memorial Park which is the subject of a separate report).
2. Delegate Authority to the Deputy Chief Executive (Place) and Director of Finance and Corporate Services to negotiate the terms of any agreement with WPD (including the consideration as well as any compensation payments for the disruption caused), undertake due diligence and complete the necessary legal documentation.

List of Appendices included:

Appendix A: Sectional Plans of proposed cable route
Appendix B: Site Plan of proposed cable route
Appendix C: Site Plan of Wayleaves required

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Request to enter into Wayleave Agreement with Western Power Distribution to supply Jaguar Land Rover

1. Context (or background)

- 1.1 The Council was approached by Jaguar Land Rover (JLR) to help them provide and facilitate an enhanced electric power supply to their existing plant based in Whitley. Western Power Distribution (WPD) have been appointed by JLR to find a solution to the power issue and they have proposed the laying of new cable to facilitate this.
- 1.2 JLR need more electric power to further expand their research unit and to enable this WPD have devised a route for new electric cables to be laid which runs from Hearsall Common Sub-Station to Whitley Substation. The proposed route is shown on the plan attached at Appendix A of this report.
- 1.3 It is acknowledged that the proposed route will require extensive digging up and reinstatement work, all options to reduce disruption to have a minimal impact have been considered and the conclusion reached by WPD is that the laying of new cables is the best option. Severn Stars Sub-Station does not have enough capacity to take on the amount of electric power necessary for the development of the Whitley plant.
- 1.4 WPD are entitled to use statutory powers to allow them to lay new cables and for the cabling to go through existing adopted public highway.
- 1.5 Delivering the entire route through the adopted public highway would cause the most disruption, be more costly to WPD/JLR and take longer to deliver the project.
- 1.6 WPD would like to enter into Wayleave agreements with the Council where the proposed route crosses land at Hearsall Common, Stivichall Common Highland Road, Beechwood Avenue, War Memorial Park, Stivichall Croft woodland and open space and land at Leaf Lane as detailed on the plan attached at Appendix B of this report before entering into the JLR plant in Whitley.

2. Options considered and recommended proposal

- 2.1 **Option 1 – Proceed with the new cable route from Hearsall Common Sub-Station to Whitley Sub-Station as set out in per Appendix A of the Report.**
- 2.2 The laying of the new cables on the proposed route is required to enable JLR ensure they have continued power and to expand their current facilities to deliver more jobs and bring further investment into the city. The Council are supportive of this project and are keen to assist JLR with their plans by entering into Wayleave agreements with WPD. Any consideration for the agreements will be valued separately and will need to comply with the provisions of s.123 Local Government Act 1972 to ensure best consideration is obtained.
- 2.3 A separate Cabinet report is being presented due to the fact that the proposed cable route runs over land which is held by the Council as Charitable Trustee, namely the War Memorial Park. This requires, the decision taken by Cabinet to be clear that it has been made in its capacity as a Charitable Trustee acting in the best interest of the charity.

2.4 Option 2 – Retain Status Quo

- 2.5** If the Council does not agree to enter into Wayleave agreements with WPD for the land it owns then WPD can use statutory powers to lay the cables in the adopted public highway to get to the Whitley Substation. This would result in further large scale disruption, take longer to deliver and thus prevent/delay JLR from expanding their plant and from bringing further jobs, regeneration and investment into Coventry.
- 2.6** Therefore, it is recommended to proceed with Option 1 and agree the new cable route from Hearsall Common Substation to Whitley Substation thus supporting JLR to provide expansion of their plant and further jobs and investment into the city.

3. Results of consultation undertaken

- 3.1** As the proposed route will go through areas of public open space, this will need to be advertised in the local newspaper and any comments/objections received will be dealt with in accordance with the Council's policies and procedures.

4. Timetable for implementing this decision

- 4.1** It is anticipated that the works are likely to commence in summer 2017 and therefore WPD will require any Wayleave agreements to be entered into before commencement of the works.

5. Comments from Director of Finance and Corporate Services

5.1 Financial implications

All costs to 'reinstate and make good' all the land back to their original state will be met by JLR/WPD. In addition, the consideration payment for the Wayleave agreements will contribute towards the Council's corporate receipts target. The consideration complies with S123 of the Local Government Act 1972.

5.2 Legal implications

Council owned Land

Section 123 of the Local Government Act 1972 provides that a Council may dispose of land held by them in any manner that they wish but in doing so, the Council must obtain best consideration for the land and can only do otherwise with the consent of the Secretary of State or in cases of a short tenancy (i.e. less than 7 years).

In the Local Government Act 1972: General Disposal Consent (England) 2003, the Secretary of States provides Councils with general consent to dispose of a land otherwise than by way of a short tenancy, where, (a) the Council considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the promotion or improvement of economic wellbeing; social well-being; environmental wellbeing of the whole or any part of its area, or of all or any persons resident or present in its area; and (b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).

Section 123 of the Local Government Act 1972 also places a duty on the Council to advertise the disposal of land that consists of or forms part of an open space for two consecutive weeks in a newspaper circulating in the area in which the land is situated, and

to consider any objections to the proposed disposal which may be made by the residents of the area.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The agreement will allow JLR to work with Coventry City Council and facilitate delivery of jobs and new investment into the city, it will boost the local economy and support both employers and the people of Coventry.

6.2 How is risk being managed?

Western Power Distribution (WPD) will work with the Council's Highways department to ensure all Health & Safety measures are taken whilst undertaking the digging up and reinstatement works. The reinstatement works carried out in the War Memorial Park will also be conducted by WPD and the Council's Property department will ensure this is done to a high quality finish.

6.3 What is the impact on the organisation?

The impact on the organisation is largely disruption to the roads networks and this will delay travel times and cause congestion, measures will be taken by WPD to carry out work outside of peak travelling times wherever possible. Allowing the proposed routes to go through areas of public open spaces reduces the impact of road users.

Property Implications

The proposed route will go through land held within Streetscene & Greenspaces portfolio, Commercial Property Management/Property Management and Highways. The Wayleave agreements will require WPD to reinstate any land effected by the laying of the new cables.

6.4 Equalities / EIA

An Equality Impact Assessment has not been undertaken as the proposal concerns digging up and reinstatement of land and adopted Highway and no group will be impacted.

6.5 Implications for (or impact on) the environment

The impact will be positive as it the reinstatement of roads and land will further enhance the road networks and areas of public open space.

6.6 Implications for partner organisations?

Friends of War Memorial Park will be informed about the works accordingly.

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Place

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