

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Thursday, 05 June 2025</b>
Relevant Scrutiny Committee:	Place Scrutiny Committee
Report Title:	Five Mile Lane – Extension of Land Agent Contract and Capital Programme Revisions
Purpose of Report:	To advise Cabinet of a report later on this agenda which will seek Cabinet approval to extend the contract of the Council's land agent, to increase the project sum in the 2024/2025 Capital Programme and to request the project is added to the 2025/2026 Capital Programme.
Report Owner:	Cabinet Member for Neighbourhood and Building Services
Responsible Officer:	Director of Environment and Housing
Elected Member and Officer Consultation:	Committee Reports Operational Manager – Finance Operational Manager – Engineering, Neighbourhood Services
Policy Framework:	This matter is for Executive decision by Cabinet
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>The Five Mile Lane project is a highway improvement scheme to the northeast of Barry, which has greatly improved the poor existing road layout between Sycamore Cross in the north and Weycock Cross in the south.</li> <li>There are still contractual matters ongoing, the main matter being the numerous land compensation claims. These are currently being managed by a land agent and this work needs to continue to its conclusion during this financial year.</li> <li>This report explains the decisions required to best conclude all outstanding land compensation claims and is to be read in conjunction with a Part II report later on this agenda.</li> <li>Cabinet approval will be sought via a Part II report later on this agenda to: - <ul style="list-style-type: none"> <li>Retain the Council's current land agent by approving an increase to the previously agreed capital ceiling for this element of work.</li> <li>Request that the project contract sum in the 2024 / 2025 capital programme is increased from £347,266 to £773,633.28.</li> <li>Request this project is added to the 2025 / 2026 capital programme with a budget of £1,557,273.18.</li> </ul> </li> </ul>	

- The above costs will be entirely funded by the Welsh Government grant for the scheme.
- Additional financial details including certain compensation claims are detailed in a Part II report later in this agenda.

## **Recommendations**

1. That Cabinet notes the contents of this report with a view to taking a decision on the possible retention of the Council's current land agent, including increasing the financial ceiling to permit this latterly on this agenda.
2. That Cabinet also notes the requirement to increase both the 2024/25 and 2025/26 Capital Programmes to conclude all outstanding land compensation claims.
3. That the contents of this report are considered in conjunction with the Part II report later on this agenda.
4. That Cabinet agrees use of the urgency procedure as set out at Section 15.14 of the Council's Constitution for Recommendations 1, 2 and 3 within the associated Part II report.

## **Reasons for Recommendations**

1. To advise Cabinet of the current position with land compensation claims and the administration of these claims, following compulsory purchase orders for the land required for the Five Mile Lane highway improvement scheme.
2. To advise Cabinet of the amendments to the Council's capital financing programmes required to enable the project to progress to its full completion.
3. To allow the Part I and Part II reports to be considered together.
4. To provide the best opportunity to promptly conclude all the outstanding land compensation claims associated with this project.

## **1. Background**

- 1.1 The Five Mile Lane project is a highway improvement scheme to the northeast of Barry, which has greatly improved the poor existing road layout between Sycamore Cross in the north and Weycock Cross in the south.
- 1.2 Opened in November 2019, and funded by Welsh Government, the project has been a well-received highway improvement scheme for the Vale of Glamorgan.
- 1.3 There are still contractual matters ongoing, the main matter being the numerous land compensation claims. These are currently being managed by a land agent and this work needs to continue to its conclusion during this financial year.

## **2. Key Issues for Consideration**

- 2.1 There is a particular claim which is sensitive and is outlined further in the Part II report on this agenda. The legal aspects of this claim are being addressed by an externally appointed Counsel with the full support of the Council's appointed land agent. The works by the Council's agents are to protect the Council from facing potential escalation to Upper Tribunal.

- 2.2** The financial ceiling for the use of this land agent is currently at its limit, but due to their intimate experience of the project, their expertise on similar cases and the time-sensitivity matters, Cabinet approval will be sought via the Part II report later on this agenda to increase this ceiling with the current agent.
- 2.3** For the above, a waiver to the Contract Procedure Rules will be sought under 18.4.2 (d) With organisation already contracted with the Council where there is benefit of extension without breaching regulations.
- 2.4** The rate of settling the other land claims increased towards the end of financial year 2024/2025. Therefore, cabinet approval will also be requested within the Part II report for the 2024/2025 capital programme for the Five Mile Lane project to be increased from £347,266 to a budget of £773,633.28.
- 2.5** The final land claims and outstanding works to the project are due to be completed in the 2025/2026 period. Therefore, Cabinet approval will also be requested within the Part II report for the Five Mile Lane project to be added to the 2025/2026 Capital Programme with a budget of £1,557,273.18.
- 2.6** It should be noted that the Five Mile Lane project is entirely funded by Welsh Government grant.
- 2.7** It is the intention of the Council and Welsh Government that the Five Mile Lane project is ended in financial year 2025/2026.
- 2.8** It is the desire of the Council and the Welsh Government that the project be closed out in financial year 2025/2026.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The proposals contained within this report form part of the wider Five Mile Lane project, which has already demonstrated improvement to the connectivity of the Vale.
- 3.2** In addition, the project contributes to the Five Ways of Working by providing the following:
- 3.3** **Long Term** – the project provides a long term transport improvement which has enhanced the journey from Sycamore Cross to Weycock Cross and contributed to a much improved entrance to Barry from the north.
- 3.4** **Prevention** – the project is a vast improvement from the existing road layout, and as a result has therefore contributed toward the prevention of road traffic deaths and accidents in this area.
- 3.5** **Integration** – the project has not only improved connectivity which is a positive factor towards integration but has brought a wide range of community improvements. It was a contract requirement that the Principal Contractor would

be forward facing with the community and instrumental in providing community benefits.

**3.6 Collaboration** – the project has demonstrated collaboration between the following parties:

- Internal Council teams working together, including Neighbourhood Services, Project Management Unit, legal services, finance and senior management.
- Welsh Government.
- The Land Agent.
- The Principal Contractor, sub contractors, etc.
- Land owners, tenants and residents.
- Local businesses – whether supplying to the project or neighbouring.

**3.7 Involvement** – during construction, there was a requirement for the Principal Contractor to engage with local schools and public groups to discuss the project and ensure that the key benefits were explained.

## **4. Climate Change and Nature Implications**

**4.1** The wider Five Mile Lane project had direct positive contributors built into the design and implementation, including: - a Sustainable drainage strategy and full environmental and ecological planning, including Environmental Impact Assessment (EIA), environmental and ecological action and management plans, etc.

**4.2** On site there are specific measures including mammal fencing and underpasses.

**4.3** Noise assessments were also carried out before, during and after construction.

## **5. Resources and Legal Considerations**

### **Financial**

**5.1** All costs of the Five Mile Lane project are covered by Welsh Government grant.

**5.2** The project team (PMU) provide regular progress reports, financial updates and cost projections to Welsh Government to ensure they are kept fully informed.

### **Employment**

**5.3** During construction of the main Five Mile Lane project, the use of local providers was encouraged, and many local companies (plant, material suppliers, transport, fencing, steelwork, etc.) contributed to the delivery of the project.

**5.4** The Principal Contactor was encouraged to use local labour.

### **Legal (Including Equalities)**

- 5.5** Due to the nature of the land claims, etc. the Five Mile Lane project team work closely with the Council's legal team and external counsel.

### **6. Background Papers**

None