

## REQUEST FOR MAYORAL DECISION – MD1342

**Title: Transfer of small parcel of land containing Network Rail infrastructure to Network Rail**

### **Executive Summary:**

The LDA made a Compulsory Purchase Order (CPO) in 2004 to assemble and acquire land in multiple ownerships as part of its Wembley Regeneration project. The LDA compulsorily acquired Network Rail's (NR) freehold interest in the land. NR has constructed operational cabinets, in error partly on land transferred to the LDA and now owned by GLAP. This small parcel of land is not necessary for the Wembley Regeneration project and has no market value. It is proposed that GLAP transfers the freehold of the land to NR at a nominal consideration, together with a small area of land in GLAP ownership which appears to be part of the platform of the NR station.

### **Decision:**

That the Mayor approves the freehold transfer to Network Rail of the cabinet land and the platform land at a nominal consideration.

### **Mayor of London**

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

**Signature:**

**Date:**

1 May 2014

## **PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR**

### **Decision required – supporting report**

#### **1 Introduction and background**

- 1.1 The LDA made a Compulsory Purchase Order in 2004 for land approximating 5.6 hectares adjoining Wembley Stadium Station on the Chiltern Railway Line and this CPO was confirmed that same year. The Wembley Regeneration project included upgraded access to the Station including the provision of a new public bridge (the White Horse Bridge) and a new square to improve links between the new National Stadium and Wembley town centre, together with new homes and employment uses. The new bridge and access improvements were completed in 2007 to enable the successful opening of the new National Stadium. On 7 May 2004 the LDA entered into a development agreement with Quintain to provide the new homes and employment uses when the freehold of all land had been secured.
- 1.2 Network Rail (NR) has since constructed new cabinets in the location shown in orange on the plan in appendix A, partly on land that was compulsorily purchased by the LDA. Whilst the freehold of all NR land interests was acquired from NR in 2004 negotiations on the terms of compensation for this land have been very protracted. It was previously thought that NR would require the transfer of this land as a condition of settling the claim; whilst this has not been the case the land is redundant and it is in the interests of GLAP to transfer it to NR.
- 1.3 The cabinets are an operational requirement for NR and will not affect the subsequent development., As compensation negotiations have been concluded with NR GLAP has with Quintain’s agreement, agreed in principle and subject to all necessary internal approvals to transfer the freehold of the cabinet land back to NR at a nominal consideration. This land measures approximately 160 sq.m and is immediately adjacent to the station platforms; as such it has no market value.
- 1.4 The land is within the boundary of the remaining Wembley Regeneration land due to be transferred to Quintain. Under the development agreement GLAP is permitted to make minor adjustments to the extent of the land to be transferred to Quintain but we sought formal agreement on this point to ensure GLAP was not open to any subsequent claims for compensation from Quintain.
- 1.5 In addition there is a very small triangle of land (also shown in orange on the plan) that the land registry shows as within GLAP ownership but is outside of the fence boundary and appears to be in the NR platform. It is proposed that this land is transferred in the same transaction.
- 1.6 NR has undertaken to cover GLAP’s reasonable costs for this matter.

#### **2 Objectives and expected outcomes**

The transfer of the land will be at no loss to GLAP and will enable NR to continue to operate the railway.

#### **3 Financial comments**

- 3.1 The reasonable costs of this transfer will be met by Network Rail.
- 3.2 The transfer will be for the consideration of £2 as the land is deemed to have no market value.

## **4 Legal comments**

- 4.1 Section 30 of the Greater London Authority Act 1999 (as amended) (GLA Act) gives the Mayor a general power to do anything which he considers will further one or more of the principal purposes of the GLA as set out in section 30(2) of the GLA Act which are (1) promoting economic development and wealth creation in Greater London, (2) promoting social development in Greater London and (3) promoting the improvement of the environment in Greater London. Sections 1 and 2 of this report indicate that the decision requested of the Mayor falls within the GLA's statutory powers as described in this section 4.
- 4.2 Written confirmation should be obtained from Quintain of its consent to the transfer, to confirm its agreement to GLAP transferring this land to NR rather than Quintain.
- 4.3 It should be noted that as GLA Land and Property Limited will be a party to the transfer, GLAP will need to approve the proposed transaction in accordance with its constitution.

## **5 Investment & Performance Board**

Not referred to HIG or IPD on the advice of governance and in light of the fact that the land in question is a very small parcel of land and does not have a value to GLAP.

## **6 Planned delivery approach and next steps**

The land will be transferred as soon as possible. We have an undertaking for legal costs from NR and draft transfer documents are being prepared.

### **Appendices and supporting papers:**

#### **Appendix 1 – Site plan showing Regeneration Land and Station square.**

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

**Part 1 Deferral:**

**Is the publication of Part 1 of this approval to be deferred? No**

**Part 2 Confidentiality:** Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form –NO**

**ORIGINATING OFFICER DECLARATION:**

Drafting officer to confirm the following (✓)

**Drafting officer:**

Caroline Cameron has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

**Assistant Director/Head of Service:**

Simon Powell has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

**Sponsoring Director:**

David Lunts has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

**Mayoral Adviser:**

Ric Blakeway has been consulted about the proposal and agrees the recommendations

✓

**Advice:**

The Finance and Legal teams have commented on this proposal.

✓

**EXECUTIVE DIRECTOR, RESOURCES:**

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

**Signature**

**Date**

**CHIEF OF STAFF:**

I am satisfied that this is an appropriate request to be submitted to the Mayor

**Signature**

**Date**