

Report of The Head of Planning and Local Development and Head of Finance

Notification of Urgent Action – Stanton Cross Compulsory Purchase Order

1 Purpose of report

- 1.1 To note the urgent action taken to approve in principle for the council to use its compulsory purchase powers (CPO) to bring forward elements of the Stanton Cross development.

2 Executive summary

- 2.1 Bovis Homes Ltd have requested that the council uses its CPO powers to help resolve a land assembly issue between themselves and the company, Key Area Logistics.

3 Appendices

- 3.1 Appendix 1 – Approved urgent action: Stanton Cross Compulsory Purchase Order

4 Proposed action:

- 4.1 **The committee is invited to RESOLVE to note the urgent action taken by the Head of Planning and Development and Head of Finance.**

5 Background

- 5.1 Bovis Homes Ltd, the main developers for Stanton Cross known also as Wellingborough East (WEAST), submitted an outline planning application to the council on 9 August 2004, which confirms the main accesses for the Stanton Cross development. This was granted planning permission in January 2008.
- 5.2 The development of the access routes in this permission are split into two phases and this council aided the progression of phase one last year when it approved the use of its compulsory purchase powers to facilitate negotiations for land required for route 4 (bridge from Midland Road across the rail and river)

6 Discussion

- 6.1 The principle of using Compulsory Purchase Order (CPO) powers for Stanton Cross has previously been utilised for land assembly to progress routes 4 and 2.

6.2 In order for the development to proceed into its second phase, Bovis Homes Ltd has written to the Council requesting support in acquiring vacant possession of a building owned by Network Rail which has a head lease granted to a company called Key Area Logistics.

6.3 The Committee will be advised of the outcome of discussions with Network Rail, Key Area Logistics and Bovis Homes Ltd. If it proves necessary for the council to invoke its CPO powers, a further report will be produced seeking full approval to the making of the order and the taking of all necessary steps to enable the land to be compulsorily acquired by the Council.

7 Legal powers

7.1 **Section 226(1)(a) Town and Planning Act 1990** (as amended) enables the compulsory acquisition of land.

7.2 **Section 233 Town and Planning Act 1990** (as amended)

7.3 **The Human Rights Act 1998** incorporated into domestic law the European Convention on Human Rights ("the Convention"). s.

8 Financial and value for money implications

8.1 All costs incurred by the council relating to a CPO, including compensation payments and the administrative costs of processing the order, would be funded by the developer(s) by way of Deed of Costs Indemnity with the council.

8.2 Any CPO will not be made until an appropriate Deed of Costs indemnity agreement has been entered into in respect of each proposed acquisition and a report has been brought back to this committee. Bovis Homes Ltd has given a written assurance to provide this indemnity.

9 Risk analysis

Nature of risk	Consequences if realised	Likelihood of occurrence	Control measures
Land is not acquired.	The Stanton Cross development could not proceed as proposed.	Medium	Move forward with the CPO process to purchase the said land.

Land is not acquired	The area will be exposed to development requests for other parts of the district.	Medium	Agree to the CPO process to purchase the said land.
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10 Implications for resources

- 10.1 This stage of the CPO work will be covered through existing budgets for officer time. The undertaking of the CPO is to be funded by the developer under an indemnity; the resource implication to the council should be limited to officer time supporting the CPO.

11 Implications for stronger and safer communities

- 11.1 This action will help facilitate Stanton Cross which is being planned as a national exemplar of sustainable development.

12 Implications for equalities

- 12.1 An equalities impact assessment has been completed for the Stanton Cross development.

13 Author and contact officer

Victoria Phillipson – Principal Planning Policy and Regeneration Manager

14 Consultees

- 14.1 Bridget Lawrence - Head of Resources
Liz Elliott – Head of Finance
Julie Thomas – Head of Planning and Local Development
Victoria Phillipson – Principal Planning Policy and Regeneration Manager
Sue Bateman – Senior Planning Officer

15 Background papers

- 15.1 Borough Council Local Plan- adopted April 1999
15.2 North Northamptonshire Core Spatial Strategy – adopted June 2008
15.3 Issues and Options Document for The Wellingborough Site Specific Proposals and Wellingborough Town Centre Area Action Plan
15.4 Wellingborough East Masterplan revised 2006.

REQUEST FOR URGENT ACTION

(In accordance with Section 3.4.09 Urgent Action of the Constitution)

REPORTING COMMITTEE: RESOURCES COMMITTEE
DATE OF NEXT MEETING: 4 FEBRUARY 2015
<p>PURPOSE OF REPORT:</p> <p>To seek approval in principle for the council to use its compulsory purchase powers (CPO) under Section 226 (1) (A) of the Town and Country Planning Act 1990 (as amended) to help facilitate the development of a new highway route from the railways station to Finedon Road (known as route 9), subject to appropriate attempts to explore the options with the landowners which would resolve the matter without the need for the council to invoke its CPO powers.</p>
<p>REASON FOR URGENCY:</p> <p>Discussions need to progress as soon as possible and before the next Resources Committee meeting which is not until the 4 February 2015.</p>
<p>KEY FACTS:</p> <ol style="list-style-type: none"> a. The council is responsible through its Local Development Framework for ensuring the delivery and efficient planning of future housing and employment growth within the borough. Stanton Cross (formerly Wellingborough East) is one of the town's major urban extensions planned for the period to 2021. b. As route 9 is to serve the development and provide essential infrastructure the council can utilise its CPO powers under the Town and Country Planning Act 1990. c. The developer has confirmed that route 9 which facilitates the redevelopment of the mixed use Station area within the Stanton Cross development is a high priority, to be achieved preferably through agreement with the leasee and Network Rail. This has not happened to date. d. In the absence of such an agreement and in order to assist bringing the development forward, it is considered that it is now necessary for the council to resolve in principle to make a CPO. e. If it is agreed in principle to approve the use of the council's CPO powers, it is intended that a letter be written to inform Network Rail, Key Area Logistics and Bovis Homes Ltd of the decision and invite them to attend a meeting to try to resolve the matter without the need for the council to invoke its CPO powers. f. This is in line with the recommendations in the governments CPO guidance that

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acquiring authorities should try to acquire land by agreement wherever practicable. Bearing in mind the time the CPO process can take, authorities are encouraged to start formal CPO procedures in parallel with their efforts to acquire by agreement. This has the extra advantage of, in the words of the guidance "making the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations."

- g. A full report will be presented at the next appropriate resources committee and the committee will be advised of the outcome of discussions with Network Rail, Key Area Logistics and Bovis Homes Ltd.
- h. If it proves necessary for the council to invoke its CPO powers, a further report will be produced seeking full approval to the making of the order and the taking of all necessary steps to enable the land to be compulsorily acquired by the Council.

FINANCIAL IMPLICATIONS (SEE BELOW):

- There are numerous cost implications arising out of the use of CPO powers including administrative costs, legal costs, compensation costs and inquiry costs.
- All costs incurred by the council relating to a CPO, including compensation payments and the administrative costs of processing the order, would be funded by the developer(s) by way of Deed of Costs Indemnity with the council.
- Any CPO will not be made until an appropriate Deed of Costs indemnity agreement has been entered into in respect of each proposed acquisition and a report has been brought back to this committee. Bovis Homes Ltd has given a written assurance to provide this indemnity.

SIGNATURES:

- REPORT AUTHOR: *V. Phillips* DATE: 22/12/2014
- HEAD OF SERVICE: *J Thomas* DATE: 22.12.2014
- CHAIRMAN/VICE-CHAIRMAN OF COMMITTEE: *P. Bell* DATE: 22-12-2014

IF FINANCIAL IMPLICATIONS SIGNATURE OF:

- CHAIRMAN/VICE-CHAIRMAN OF RESOURCES COMMITTEE: *P. Bell* DATE: 22-12-2014

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