

# Bath & North East Somerset Council

MEETING:	Cabinet	
MEETING DATE:	9 <sup>th</sup> May 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E2390
TITLE:	Keynsham Town Centre Regeneration and Workplaces Programme – Riverside Site Assembly and Compulsory Purchase Order	
WARD:	Keynsham West	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
Site Plan		

## 1 THE ISSUE

- 1.1 In certain circumstances a Local Authority has the legal right to use Compulsory Purchase Order (CPO) powers to acquire land to achieve certainty of delivery of its redevelopment and/or highway aspirations. It would be particularly beneficial for the Council to make it clear at an early stage and whilst negotiations continue that it is prepared to use CPO powers should the need arise in relation to the Riverside site, Keynsham.

The CPO implementation process will only be exercised if it is considered to be necessary by the Chief Property Officer, in consultation with the S151 Officer and Cabinet Member for Community Resources.

## 2 RECOMMENDATION

The Cabinet agrees that:

- 2.1 The Chief Property Officer is authorised, in consultation with the Cabinet Member for Community Resources to take all necessary steps to make, as necessary, a CPO or CPOs under Section 226(1) of the Town & Country Planning Act 1990 for the acquisition of land and/or the creation of new rights pursuant to Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (or any such other legislation may be appropriate for the delivery of the scheme) in respect of acquisition of land and/or rights within the indicative area shown on the **attached site plan** for the Riverside office block and its environs, Temple Street, Keynsham to bring forward the area for redevelopment following the Council's vacation in 2014

The Chief Property Officer is authorised, in consultation with the Cabinet Member for Community Resources, to take all necessary steps in the process of making, confirmation and implementation of any CPO, including the publication and service of all notices, and the presentation of the Council's case at Public Inquiry.

- 2.2 The Chief Property Officer is authorised, in consultation with the Cabinet Member for Community Resources, to acquire interests in land and new rights within any CPO either by agreement(s) or compulsorily and approve agreement(s) with land owners setting out the terms of the withdrawal of objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order and or making arrangements for re-housing or relocation of occupiers.
- 2.3 Any use of the CPO powers is subject to authorisation from the S151 Officer in consultation with the Cabinet Member for Community Resources in respect of the anticipated financial implications of the authorisation.

### **3 FINANCIAL IMPLICATIONS**

- 3.1 This report is a process only report to enable the two sets of negotiations to continue to progress and to ensure that the Council's intent to deliver its aspirations for the sites is clear to the respective landowners/interested parties.
- 3.2 The S151 Officer will need to be satisfied that before the CPO process is formally implemented the scheme is capable of being funded from within the Council and/or project budgets.
- 3.3 Management action will need to be taken as the project progresses to ensure that the financial implications are contained within the available budgets and sources of external funding.

### **4 CORPORATE OBJECTIVES**

- *Promoting independence and positive lives for everyone*
- *Creating neighbourhoods where people are proud to live*
- *Building a stronger economy*

- 4.1 [Appendix 2](#) and para 5.6. of the 7<sup>th</sup> December 2011 [Cabinet report](#), Keynsham Town Centre Regeneration & Workplaces Programme Update, highlighted the potential for Riverside and adjacent land (Fire Station and Sports & Leisure Centre) to be redeveloped to provide a residential/sheltered accommodation led mixed use development. Such a development would significantly contribute to achieving all of the Council's corporate objectives.

### **5 THE REPORT**

- 5.1 It has always been the Council's intention that the regeneration of Keynsham Town Centre would be "kick-started" by the redevelopment on the Keynsham Town Hall/Library and The Centre Shops site, allowing the Riverside site, including the Fire Station and Sports & Leisure Centre sites, to follow on.
- 5.2 Discussions have been taking place, and are continuing, between the Council, as freehold owner and Topland as the headleasee, of Riverside, and the Fire Authority, regarding the opportunities that arise through the Council's vacation of the Riverside building in 2014. Knowing that the Council as acquiring authority in a position and would be prepared to use its CPO powers to assemble a site capable of delivering its regeneration aspirations, will give a clear indication of intent to all the interested parties.

- 5.3 Discussions and work is continuing in order to prepare a deliverable scheme based on the options presented to December 2011 Cabinet, with a view to the submission of an outline planning application later this year.

## **6 THE COMPULSORY PURCHASE ORDER POWERS (CPO) AND PROCESS**

- 6.1 CPO powers are an important tool for Local Authorities and other public bodies to use as a means for assembling land needed to deliver social and economic change. It is however necessary for an Authority to resolve formally to use compulsory purchase powers before it can proceed to make a CPO. It is helpful to negotiations to bring about a deliverable scheme, if this commitment is made at an early stage as this is a statement of an authority's intent .
- 6.2 CPO powers may only be used when it can be demonstrated to the satisfaction of the relevant Minister that there is a deliverable scheme in place (i.e. planning, and funding) and all other routes for assembling the site have been exhausted. However, the willingness of an Authority to use these powers provides a degree of certainty designed to deter a party from attempting to hold a redevelopment proposal to hostage.
- 6.3 Once a CPO is made and an Authority has complied with the statutory requirements to give, affix and publish notices (and obtain the proofs or certificates of services) an Authority must submit the CPO to the confirming Minister. It will then be for the Minister to decide whether or not to hold a public inquiry, in the event the CPO receives objections, following which a CPO may be approved as submitted, amended or rejected.
- 6.4 Useful guidance on the use of CPO can be found on the [Communities & Local Government website Circular ODPM 06/2004](#)

## **7 RISK MANAGEMENT**

- 7.1 The report author and Lead Cabinet member have reviewed the risks related to the issue and recommendations, in compliance with the Council's decision making risk management guidance, and are in agreement to make these resolutions at this stage is prudent risk management.

## **8 EQUALITIES**

- 8.1 Before proceeding with a CPO consideration must be given to the Human Rights Act 1998. Article 1 of the First Protocol of the European Convention on Human Rights provides that no-one shall be deprived of their possessions except in the public interest. It will therefore be necessary to balance the public and private interests if and when the Council is ready to use its CPO powers, and be satisfied that the interference with the rights of the owners of land the subject of the CPO is necessary, proportionate and justified.

## **9 RATIONALE**

- 9.1 The use of CPO powers to acquire land in respect of a redevelopment scheme is an accepted method of gaining security of delivery. It provides certainty of property assembly.

9.2 Land assembly is essential to the delivery of the scheme. The CPO process sets out statutory provisions for compensations to landowners, and a framework within which negotiations to avoid the need to use CPO powers can take place.

## 10 OTHER OPTIONS CONSIDERED

10.1 Seek to acquire all property interests by negotiation. It is hoped that this will be possible. However, the use of CPO powers may be necessary if the scheme is to progress to delivery. Even if there is only one landowner unwilling to deal this has the potential to prevent a scheme from being delivered. The use of CPO powers gives the Council certainty.

10.2 Whilst acquisition by agreement is preferred, it is considered that the use of CPO powers in tandem with negotiations is essential if the Council is to bring forward a scheme and prevent ransom and other barriers to delivery.

## 11 CONSULTATION

11.1 *Ward Councillors; Cabinet members; Keynsham Town Council; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

11.2 The issue has been discussed and explained to all relevant parties, and a draft copy of this report has been made available and comments received incorporated.

## 12 ISSUES TO CONSIDER IN REACHING THE DECISION

12.1 *Property; Human Rights; Other Legal Considerations Social Inclusion; Sustainability*

## 13 ADVICE SOUGHT

13.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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<b>Sponsoring Cabinet Member</b>	<i>Councillor David Bellotti</i>
<b>Background papers</b>	<i>Keynsham Town Centre Regeneration &amp; Workplaces Programme Update Cabinet report and minute 7th December 2011</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	