

<b>Bath &amp; North East Somerset Council</b>		
MEETING	<b>Cabinet</b>	
MEETING	<b>11<sup>th</sup> July 2024</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		<b>E 3557</b>
TITLE:	<b>Somer Valley Enterprise Zone –Compulsory Purchase Order</b>	
WARD:	Paulton	
<p><b>List of attachments to this report:</b></p> <p>Appendix 1 Somer Valley Enterprise Zone CPO Map</p> <p>Appendix 2 CPO Requirements</p> <p>Appendix 3 E3487 In Principle Statutory Mechanisms Report</p> <p>Appendix 4 E3510 SVEZ LDO Commitments Report</p> <p>Appendix 5 SVEZ Property Cost Estimate (Exempt)</p> <p>Appendix 6 Equality Impact Assessment 2023</p> <p>Appendix 7 Equality Impact Assessment 2024</p> <p>Appendix 8 LPA Screening Response</p> <p>Appendix 9 Local Development Order and Statement of Reasons</p> <p>Appendix 10 Local Development Order Statement of Community Involvement</p> <p>Appendix 11 Local Development Order Red Line Plan</p>		

## **1 THE ISSUE**

- 1.1 The Council has been promoting the Somer Valley Enterprise Zone (SVEZ), a mixed use commercial development at Old Mills north-west of Midsomer Norton with associated highway works (the SVEZ Scheme).
- 1.2 The Council is now seeking approval to promote a Compulsory Purchase Order (CPO) to acquire the land and rights that are required to deliver the scheme. The Council will not take the decision to use a CPO lightly, and is continuing to try and reach agreement with landowners wherever possible.
- 1.3 This Report seeks authority to make and publish a CPO for the SVEZ Scheme and subsequently to secure the confirmation and implementation of that CPO. The Report also seeks authority to negotiate the withdrawal of any objections to the CPO and the acquisition of land and rights by agreement.

## **2 RECOMMENDATIONS**

- 2.1 The Cabinet is asked to:
  - (a) Approve the area to be the subject of a compulsory purchase order (CPO) or supplemental CPO shown edged red on the plan at Appendix 1 (the CPO Map), which identifies the outline area of the land, interests, and new rights to be acquired for the SVEZ Scheme (the CPO Land) by voluntary acquisition or compulsory purchase.
  - (b) Authorise the making of a CPO or supplemental CPO pursuant to s226(1)(a) and 226(3) of the Town and Country Planning Act 1990 and s13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of land, interests, and new rights within all or part of the area identified as the CPO Land, for the purposes of facilitating the development of the SVEZ Scheme.
  - (c) Authorise all necessary steps to be taken to secure the making, confirmation and implementation of a CPO(s) including the publication and service of all notices, requisitions for information,

statement of reasons and the preparation and presentation of the Council's case at any public inquiry required to secure confirmation of the CPO(s) by the Secretary of State.

- (d) Note, and give due regard in determining whether or not to authorise the promotion of the CPO(s), the public sector equality duty contained in section 149 of the Equality Act 2010 (PSED) and the requirements of the Human Rights Act 1998, as detailed further in section 11 and Appendix 2 of this Report.
- (e) Subject to confirmation of the CPO(s), delegate authority to the Executive Director of Sustainable Communities to acquire all the land and rights over the CPO Land, including service of a general vesting declaration, notice to treat and/or notice of entry, subject to any compensation to be paid being within the SVEZ Scheme budget as set out in section 8 of this Report.
- (f) Delegate authority to Executive Director of Sustainable Communities to make any necessary amendments to the CPO(s) including, if required, to reduce the extent of the CPO Land to align with works and land requirements and (once the boundary is finalised) update the CPO Map to reflect on a plot-by-plot basis the extent of acquisition and rights required.
- (g) Delegate to the Executive Director of Sustainable Communities for payments of over £500,000), in consultation with the S151 Officer authority to:
  - (i) authorise agreements to be entered into with landowners to secure the withdrawal of objections to the CPO(s) and to authorise the Executive Director of Sustainable Communities to take all necessary steps to acquire by agreement land and/or rights forming part of the CPO Land,

subject to any consideration payable being within the SVEZ Scheme budget as set out in section 8 of this Report;

- (ii) to negotiate and settle all necessary compensation and professional fees (including interim payments) either as agreed with landowners or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and/or rights forming part of the CPO Land in accordance with the Land Compensation Act 1961, the Compulsory Purchase Act 1965 and the Land Compensation Act 1973 provisions in force at the relevant time and the body of case law relevant to the assessment of compensation, where any compensation to be paid is within the SVEZ Scheme budget as set out in section 8 of this Report
- (h) authorise the instruction of the SVEZ Scheme Project Team's legal advisers, Burges Salmon LLP, to prepare and serve such documentation as may be required for the CPO(s).
- (i) Note the ongoing progress which has been made towards the acquisition of land required to develop the SVEZ Scheme and the previous decisions outlined in this Report.

## **THE REPORT**

### **3 BACKGROUND**

- 3.1 The Council has promoted a Local Development Order (LDO) which applies across the SVEZ, and includes highway enabling works to assist in bringing the site forward. This LDO was confirmed by the Local Planning Authority (LPA) on 22 February 2022.
- 3.2 The Council is now taking steps towards making a CPO to acquire the land and rights that are required to deliver the scheme. The purpose of this Report is to secure authority to make, serve and publish the CPO and promote it under the relevant statutory processes, including authority to

exercise the compulsory purchase powers to acquire land and rights if the CPO is confirmed by the Secretary of State.

- 3.3 The information in this Report is supplemented by Appendix 2 which contains additional background information and analysis relevant to the decision. It should be read alongside this Report.

## **4 PREVIOUS DECISIONS**

- 4.1 The following Council decisions have preceded this Report and provide relevant background to this decision:

- (a) On 10 November 2016, the site allocation and proposals for the SVEZ were unanimously approved by Full Council; and
- (b) On 1 May 2018, the Cabinet Member for Economic and Community Regeneration authorised a £100,000.00 provisional capital item to the approved Capital Programme to be matched with £300,000.00 of WECA and s106 contribution funding to prepare a Business Case for a comprehensive improvement scheme for the A362; this decision was effective from 12 May 2018.
- (c) On 1 February 2024, Cabinet resolved to adopt the Somer Valley Enterprise Zone – In Principle Statutory Mechanisms report (E3487) (the In Principle Report) (Appendix 3). E3487 contained resolutions which authorised the preparatory steps for this report, including powers of acquisition of the land by negotiation and commencement of land referencing, as well as the taking of all steps (including the drafting of a CPO and related documentation) necessary to prepare for this report to Cabinet to determine the use of compulsory purchase powers to acquire the land and rights in land required for the SVEZ Scheme.
- (d) On 1 February 2024 Cabinet resolved to adopt the Somer Valley Enterprise Zone Local Development Order – Commitments report (E3510) (the Ambitions Paper) which outlines the Council's 8 aims and commitments for the SVEZ (Appendix 4).

(e) On 22 February 2024, the LDO was adopted as the planning mechanism to deliver the SVEZ Scheme following a Cabinet decision on 1 February 2024.

4.2 Cabinet should note that a business case for improvements to the A362 was prepared but was not ever submitted to WECA. Following WECA's advice, the highway improvements were subsumed into the main SVEZ Scheme (which forms the basis of this Report), and officers have agreed with WECA that the Council will submit one full business case for both elements. The funding position is explained further below.

## **5 LAND ASSEMBLY AND NEGOTIATIONS**

5.1 The CPO Map at Appendix 1 identifies the extent of the land and rights required for the SVEZ Scheme.

5.2 At the date of this Report, it is understood that the main land required for the SVEZ Scheme is held in ten separate parcels. Five of these parcels are within the proposed boundary for the main SVEZ site. A further five parcels located outside of the main SVEZ site relating to the Highway Works (where proposed works fall outside the existing public highway).

5.3 A detailed explanation of the works and land requirements to enable delivery of the SVEZ and highways works is provided in Appendix 2.

## **6 NEED AND JUSTIFICATION FOR COMPULSORY PURCHASE POWERS**

6.1 The Town and Country Planning Act 1990 (TCPA 1990) authorises the Council to compulsorily acquire land that is required to facilitate the redevelopment of the CPO Land to deliver the SVEZ Scheme. The relevant statutory provisions are set out in section 9 below.

6.2 An essential element of any CPO made under TCPA 1990 is that it meets the 'wellbeing tests', which require that the Council demonstrates that the development is likely to contribute to any one or more of the following objects:

- (a) the promotion or improvement of the economic well-being of their area;
- (b) the promotion or improvement of the social well-being of their area;
- (c) the promotion or improvement of the environmental well-being of their area.

6.3 The SVEZ Scheme is assessed against these objects in Appendix 2.

#### 6.4 **The Council's Ambitions**

6.5 In addition to these objectives, the development of the SVEZ Scheme will be continuously monitored to ensure that it meets the Council's 8 ambitions for the SVEZ outlined in the adopted Ambitions Paper (Appendix 4), which include:

- (a) Create good quality jobs for residents that will reduce out commuting;
- (b) Provide a sustainable location for green businesses to maximise their contribution to tackling the climate and nature emergency;
- (c) Improve active travel;
- (d) Ensure public transport is available from the first occupation;
- (e) Mitigate the risk of worsening air quality;
- (f) Protect Midsomer Norton High Street;
- (g) Minimise the flow of HGVs on our highways;
- (h) No drive through food outlets that will add litter to our roads;

6.6 The Council fully expects that all of these ambitions will be met through the SVEZ Scheme.

6.7 Additional context to the relevant law and guidance relating to the compulsory purchase process is contained in Appendix [2].

## **7 PLANNING POSITION**

- 7.1 It is an essential facet of securing a CPO that there is no planning impediment to the delivery of the underlying scheme. This does not necessarily mean that the scheme is fully consented in planning terms, but it must be demonstrable that planning permission either has been or is capable of being secured. The planning history is set out in more detailed in Appendix 2.
- 7.2 Whilst the LDO removes the need for planning permission in relation to the authorised works outlined it does not remove the need to obtain other statutory consents such as e.g. consents under highways legislation. The Council is not aware of any reason currently why those consents could not be secured.
- 7.3 Therefore, at the point of preparing this Report, the Council is not aware of any planning impediment to the SVEZ Scheme.

## **8 FUNDING AND DELIVERABILITY**

- 8.1 The CPO Guidance at paragraph 106 makes clear the SoS will take into account the financial viability of a scheme before confirming a CPO. It states that:

*“A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important.”*

- 8.2 The Council therefore needs to demonstrate that it has, or at least will obtain, the resources necessary not only to pay compensation for the land but also to implement those parts of the SVEZ Scheme which include the CPO Land. The reason for this requirement is to avoid a situation in which



private land has been acquired compulsorily for a purpose which, in the event, cannot be achieved for lack of funds.

8.3 The cost of progressing the CPO (and other required consents) and constructing the Scheme will be accommodated within the SVEZ Scheme budget.

#### 8.4 **Scheme funding**

8.5 As explained in the In Principle Report, the SVEZ Scheme is being funded through the WECA Investment Fund and has been provisionally allocated £15,690,000.00. This is made up of £10,787,000.00 (the figure reported to the WECA Committee in June 2019) and the £4,900,000.00 for the Highways Works. Some of this funding has already been expended in promoting the LDO up to the point of seeking to secure adoption.

8.6 The SVEZ Scheme was due to secure approval of its Outline Business Case + (OBC+) from the WECA Committee in June. However, following the announcement of the General Election, the Committee was postponed, and that decision is not expected until shortly after this Report is taken to Cabinet. The OBC+ will be taken to WECA Committee of 26<sup>th</sup> July for approval.

8.7 The approval of this funding is, of course, central to SVEZ Scheme. The Council is confident that the OBC+ will be approved and in place before the CPO and statement of reasons need to be prepared and served. The Council will not proceed with the CPO until it has reasonable certainty on the availability of that funding stream. The approval of the OBC+ will release the necessary funding to acquire land for the scheme and allow for the technical design for the highways and enabling works to be completed.

8.8 Once land has been acquired, a Full Business Case will be submitted to WECA to release funding for the scheme highways and enabling works. The funding mechanism for these works is yet to be finalised with WECA, however a bid has been made to CRSTS 1 Overprogramming. Further funding may be agreed via repayable grant that recycles funding back to

WECA via business rates and land receipts as and when occupation takes place on site.

8.9 The SVEZ Scheme also has funds available from developer contributions paid through agreements under s.106 of TCPA 1990 and corporate supported borrowing.

#### 8.10 **Costs**

8.11 Under a CPO, property or rights are acquired at open market value but disregarding any increase (or decrease) in value attributable to the scheme for which the land is acquired. Affected parties may also be entitled to other compensation for loss payments and disturbance depending on circumstances. The Council will be responsible for paying all compensation to landowners, whether payable by purchases through voluntary negotiation or through the CPO process. That compensation liability does not get triggered until the CPO is confirmed and the Council serves statutory notices required to exercise its compulsory purchase powers. However, in promoting the CPO, the Council must be confident that it has the funds available to meaningfully negotiate with landowners for voluntary acquisition in parallel with the CPO process.

8.12 A property cost estimate (PCE) was prepared by the Council's land agents in February 2023 (Appendix 5). This estimate is subject to further analysis and updates as the SVEZ Scheme progresses and construction working requirements are finalised. The estimate will be regularly reviewed and updated against the SVEZ Scheme budget. The estimates are also unpinned by a number of assumptions and caveats which could cause them to change as further analysis is undertaken. A revised PCE is in progress and Cabinet will be updated on the final position prior to the making of the CPO.

8.13 The highways and enabling works are currently forecast at £19.6m. these costs will be redefined via the technical design process and confirmed at FBC stage in late 2025.

8.14 Overall, at this stage, the Council is satisfied that there is no funding impediment to delivering the SVEZ, although this will, of course, need to be actively monitored. The Council considers that there is a reasonable prospect of adequate funding being available to deliver the Scheme.

## **9 STATUTORY CONSIDERATIONS**

### **9.1 Authorising statutes**

9.2 The Council has sought advice on CPO matters from its internal legal team, specialist external legal advisors and will instruct Counsel in due course.

9.3 The Council intends to rely on the compulsory purchase powers contained in s226(1)(a) of the TCPA 1990. This is a general power which allows local authorities to compulsorily acquire land in their area to facilitate the carrying out of development, redevelopment or improvement in relation to the land. As explained above, in order to exercise the s226 powers, a local authority must demonstrate that the proposed development/improvement is likely to contribute towards the promotion or improvement of the economic, social or environmental wellbeing of their area.

9.4 S226(3) of the TCPA 1990 confirms the Council's CPO powers extend to lands adjoining land which is required for the purpose of executing works for facilitating the development or use of the primary land.

9.5 S13 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to compulsorily purchase new rights over land which do not currently exist.

9.6 Furthermore, the Council has powers under s120 of the Local Government Act 1972 and s227 of the TCPA 1990 to buy land by agreement for the purposes of any of its functions or for the benefit, improvement or development of its area.

9.7 For the purposes of s226(1)(a) of the Act:

(a) the Council is an authority to which s226 of the Act applies;

- (b) the CPO Land is within the Council's administrative area;
  - (c) the delivery of the SVEZ Scheme will constitute development on or in relation to the CPO Land.
- 9.8 For the purposes of s226(1A), the CPO and the delivery of the SVEZ Scheme will contribute to the achievement of the economic, social, and environmental wellbeing of the area (see Appendix 2 section 8.2)
- 9.9 When undertaking a compulsory purchase, an acquiring authority is expected to use the most specific power available as per paragraph 96 of the CPO Guidance.
- “This power should not be used in place of other more appropriate enabling powers. The statement of reasons accompanying the order should make clear the justification for the use of this specific power. In particular, the SoS may refuse to confirm an order if he considers that this general power is or is to be used in a way intended to frustrate or overturn the intention of Parliament by attempting to acquire land for a purpose which had been explicitly excluded from a specific power.”*
- 9.10 Compulsory purchase powers are available under the Highways Act 1980, exercisable by the local highway authorities, which could be deemed suitable for delivery of the highway improvements. However, in this case the highway improvements form an essential part of the wider SVEZ Scheme and therefore the power in s226 of the TCPA 1990 is considered to be the most appropriate power.
- 9.11 The Council will be required to demonstrate that there is a compelling case in the public interest for acquiring the land compulsorily. This will be set out in the Statement of Reasons.
- 9.12 The making of a CPO should be a last resort and should be preceded by meaningful attempts to buy the land by agreement, save for lands where land ownership is unknown or in question.
- 9.13 The Acquisition of Land Act 1981 (the ALA 1981) governs the procedures which apply to promoting a CPO, the Compulsory Purchase Act 1965 (the

CPA 1965) and the Compulsory Purchase (Vesting Declarations) Act 1981 (the CP(VD)A 1981) govern post-confirmation procedures and a range of statutes including the CPA 1965, the Land Compensation Act 1961 and the Land Compensation Act 1975 govern the assessment of compensation. A CPO is required to be made in a prescribed form and must describe by reference to a map the land to which it applies. If the Council makes a CPO, it must submit the CPO to the Secretary of State for confirmation. Prior to submission to the Secretary of State, the Council must publish notice of the making of the CPO specifying that the CPO has been made, describing the land and the purpose for which it is required, naming a place where the CPO and CPO Map may be inspected and specifying a time which (and the manner in which) objections may be made. The Council must also serve a notice in prescribed form on affected owners, lessees, tenants or occupiers (if any exist) of the land allowing them the opportunity to object.

- 9.14 The procedure for confirmation is specified in the ALA 1981 may require the conduct of a public inquiry if there are objections. In the event that the CPO is confirmed, the Council can then take steps to acquire land either by serving a notice to treat and notice of entry in accordance with the CPA 1965 or by serving a general vesting declaration under the CP(VD)A 1981. The Council will take legal advice to determine the most appropriate processes at the time.

## **10 RISK MANAGEMENT**

- 10.1 Officers acknowledge that whilst delivery of the SVEZ Scheme will bring many benefits as outlined in Appendix 2, there a number of risks involved which are more particularly outlined below.
- 10.2 The SVEZ Scheme is required for the Council to deliver on its employment and skills priorities, and so access to compulsory purchase powers for this scheme is essential in order for the Council unlock employment development land. It is a risk of not proceeding with the CPO that the SVEZ Scheme as a whole could never be delivered.

10.3 The Council continues to actively manage risks and a risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance. The Council's risk register has been, and will continue to be, updated accordingly as the SVEZ Scheme progresses. Further, the Council has appointed external specialists as a key response to active risk management. This includes external lawyers, land agents and land referencing agents.

10.4 Some of the more specific risks are outlined in the table below:

Risk	Explanation	Mitigation
<p>Public inquiry required to consider objections to the CPO.</p> <p>The likelihood of this risk occurring is <b>HIGH</b>.</p> <p>The likely impact of the risk is <b>LOW</b> because the inquiry has been included in the programme and costings.</p>	<p>Whilst this is a project risk in terms of the potential to increase professional costs and the timescales for confirmation of the CPO, objections and the required public inquiry as a result are expected for CPOs of this nature and the inquiry is part of the proper due process of determining the CPO.</p> <p>There is always a risk that a CPO will not be confirmed due to successful objection, but the Council cannot predict those objections and is taking legal advice to</p>	<p>The programme has time allocated for a CPO inquiry.</p> <p>Legal advice is being sought to ensure that the CPO is properly made and the correct powers are incorporated.</p> <p>Landowners are being actively engaged with as the SVEZ Scheme progresses in an effort to reach agreement and minimise objections.</p>

	ensure that a strong case is put forward.	
<p>Land is identified as being required which is not currently included in the CPO Land due to omission.</p> <p>The likelihood of this risk occurring is <b>LOW</b>.</p> <p>The likely impact of the risk occurring is <b>MEDIUM</b>. It could result in some additional cost and programme delay.</p>	<p>It is possible that additional land interests will be identified which may need to be acquired for the SVEZ Scheme but which are not in the CPO when made.</p> <p>This could result in the need for a supplemental CPO if the interests cannot be acquired voluntarily, resulting in delay and increased costs.</p>	<p>Professional advisers have been undertaking extensive land referencing and analysis to minimise this risk.</p> <p>There is the potential to acquire land interests voluntarily if they are not within the CPO.</p> <p>The fact that the LDO has been secured prior to making the CPO minimises this risk. It means that the main land required has been clearly identified.</p> <p>This Report recognises that additional land may be required outside of the ambit of the current CPO Land and that more than one CPO may be required, and therefore any supplemental CPO can be advanced relatively quickly.</p>
<p>Land is identified as being needed to deliver the SVEZ Scheme which is not authorised through</p>	<p>As explained in the Appendix to this Report, it has been identified that some land is required for</p>	<p>The Council has identified this issue early and is proactively managing the risk. There may be some cost implication to securing</p>

<p>the LDO.</p> <p>The likelihood of this occurring is <b>HIGH</b> (some land has been identified).</p> <p>The impact of this risk is <b>LOW</b>. It has been identified with time to resolve it.</p>	<p>construction compounds and working areas that is not within the LDO.</p> <p>This will require an additional consenting process. However, the extent of works is minimal and there is no reason why planning cannot be secured.</p>	<p>planning consent or the works, but it will not lead to any delay and can be readily resolved.</p>
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## 11 EQUALITIES

### 11.1 Public sector equality duty

11.2 In considering whether to resolve to make a CPO, the Council must pay due regard to its PSED. Pursuant to s149 of the Equality Act 2010, the Council must have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic (as defined in the Act) and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.3 Consideration must also be given to whether, if the decision is made to proceed with the SVEZ Scheme through the mechanism of a CPO, it will be possible to mitigate any adverse impact on a protected group or to take steps to promote equality of opportunity by, for example, treating an affected group more favourably.



- 11.4 Officers have had regard to the Council's PSED progressing the SVEZ Scheme to date and Members must be mindful of this duty when considering the recommendations in this Report.
- 11.5 A high level EqIA was undertaken for the SVEZ Scheme on October 2023 and copy is at Appendix 6. That assessment was primarily focused on the wider scheme implications rather than the land assembly which is the subject of this Report.
- 11.6 The Council has renewed the EqIA with a focus on acquisition matters and the CPO process (Appendix 7) to support this decision. The Council has identified matters which will require active management (e.g. accessibility of CPO documents and ensuring arrangements for the inquiry are accessible) but there are no specific equality impacts which have been identified. There are no specific equality implications directly associated with the subject matter of this Report.
- 11.7 In order to comply with the PSED the Council must continue to monitor and consider equality issues routinely throughout the implementation of the Scheme.
- 11.8 The LDO for the delivery of the SVEZ Scheme was screened by the Local Planning Authority under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in order to assess whether there are likely to be significant environmental impacts. The SVEZ Scheme was categorised as a 'Industrial Estate Development Project' which falls under category 10(a) of first column of Schedule 2 to the EIA Regulations exceeds the threshold of 0.5 hectares. The LPA Screening Response (Ref: 20/01973/SCREEN) is attached at Appendix 8. The Screening Response provides comments on Population and Human Health and concludes that the site has a low risk to human health and that the completed development will not give rise to any type of waste that is typically associated with a small-scale industrial/commercial use. It notes that overall the development's expected impacts will not be "*unusually complex nor potentially hazardous*".

11.9 Human rights considerations are addressed in Appendix 2

## 12 CLIMATE CHANGE

12.1 The Council declared a Climate Emergency in March 2019, committing it to providing the leadership necessary to enable Bath and North East Somerset to achieve carbon neutrality by 2030.

12.2 The purpose of this Report is to secure authority to promote, confirm and implement the CPO required to assemble land and deliver the SVEZ Scheme and to authorise the acquisition of land required for the SVEZ Scheme. Assessment of the climate change and environmental implications of the SVEZ Scheme was undertaken by the Council, in its role as LPA, in determining the LDO and is less relevant to the decision to promote the CPO.

12.3 There are no climate change or environmental implications which stem directly from the authority to use compulsory purchase powers or voluntary acquisition to assemble the land required for the Scheme.

12.4 The LPA Screening Response considered the potential environmental effects arising from the LDO the LPA concluded *“It is considered that the development is unlikely to have any significant environmental effects in EIA terms. Whilst there are a number of important issues and potential impacts to consider, none of these are likely to be significant as defined by the EIA Regulations. All noticeable impacts are likely to be localised to the site itself or the local vicinity. These issues are not of more than local importance. The developments’ expected impacts will not be unusually complex nor potentially hazardous”*. A copy of the LPA Screening Response is provided at Appendix 8.

12.5 The SVEZ Scheme is a sustainable development and represents an opportunity to address several related issues which will help to address the climate emergency. It will help to reduce out-commuting in the Somer Valley through the provision of new jobs and it will also provide a range of active and sustainable travel improvements, including a new cycle link to the Norton Radstock Greenway, and new and improved bus stops. The

SVEZ will help to reduce vehicle-related CO2 emissions, in line with the Council's local transport policies and climate emergency declaration. Sustainability is one of the Council's aspirations for the SVEZ Scheme which will continue to be monitored.

12.6 Biodiversity net gain is also intended to be a key aspect of the SVEZ Scheme, and it is proposed to provide a zero carbon, sustainable development.

12.7 The confirmed LDO (Appendix 9) requires compliance application supporting information on the following areas which could affect climate change:

- (a) BNG Plan (Condition 14)
- (b) Noise Assessment for Plant (Condition 16)
- (c) Arboricultural Method Statement (Condition 23)
- (d) Operational Noise Assessment (Plot 12 Only) (Condition 30)
- (e) Contamination Remediation Scheme and Verification Report (as required) (Condition 33 and 34)

12.8 A compliance application is also required by a plot specific Sustainability Statement, to ensure the development incorporates measures to minimize the effects of and ensure that the SVEZ Scheme can adapt to a changing climate (Condition 26).

12.9 The Statement of Reasons for the LDO (Appendix 9) concludes:

*"It is considered that the LDO will facilitate a sustainable pattern of development which meets the commercial development needs of the Somer Valley while facilitating growth and infrastructure, protecting the local environment and mitigating against the risk of climate change."*

## **13 OTHER OPTIONS CONSIDERED**

### **13.1 Alternative Sites**

13.2 The delivery of employment space within the CPO Land is a long held corporate priority for the Council. This area was recognised as a major focus for the economic regeneration of the Somer Valley. It has been allocated for commercial uses under the relevant planning policy framework for over 20 years and has been allocated for mixed use employment in the Council's local plan since 2007.

13.3 Through the adoption of the LDO, the CPO Land will enable the SVEZ Scheme to deliver around 1,300 jobs; offering opportunity for the towns and villages and hamlets around Paulton, Westfield, Radstock and Midsomer Norton.

13.4 In the early 2000s, a significant proportion of employment in the area was local. Since then there have been a number of employers lost to the area such as:

- (a) Great Mills DIY Head Office – circa 250 jobs
- (b) Welton Bibby Bag Manufacturing – circa 300 jobs
- (c) Purnells & Sons Printers - at its height circa 2,000 jobs. It closed in 2005 with loss of circa 400 jobs.

13.5 The local community in this area has had to adapt and many people now commute. Census statistics from 2021 suggest that 30-50% of the economically active population in the Somer Valley commute over 6 miles to work. Out commuting and car ownership is a significant barrier to job accessibility and disenfranchises the less affluent and it limits opportunities, presenting the only option of commuting miles to work.

13.6 The delivery of the SVEZ Scheme within the CPO Land presents the prospect of dormitory towns in the Somer Valley with few quality employment opportunities. In addition, in the coming years, more houses will be built in the area and without action, employment prospects will

worsen. The SVEZ Scheme also looks to provide local jobs and address the patterns of out-commuting.

13.7 It is the historic allocations and the need for the development in the locality that has driven the site selection. There are no other suitable sites in the Somer Valley that would be able to provide the commercial floorspace and number of jobs that have not already been allocated for development or that would have the surrounding infrastructure required to support the development.

13.8 **Do nothing**

13.9 If the Council decided to do nothing it is unlikely the CPO Land will be regenerated and the SVEZ Scheme delivered.

13.10 **Negotiations for Voluntary Acquisition**

13.11 As outlined in Appendix 2 land assembly for the SVEZ Scheme is complex, and although the Council has commenced into negotiations with landowners it is currently envisaged that the land and rights required cannot be assembled without the use of compulsory purchase powers. Negotiations with landowners are proceeding, and wherever possible voluntary agreements will be entered into.

13.12 However, reliance on voluntary negotiations presents a risk to the SVEZ Scheme because it is unlikely that all affected landowners and interests will enter into agreements voluntarily. The Council will continue all reasonable efforts to acquire the land by agreement in parallel with the CPO.

13.13 Therefore, the most likely alternative to the use of compulsory purchase powers is that the Scheme will not proceed.

13.14 **Obtain but not implement the CPO**

13.15 The option of not implementing the CPO if it is confirmed has also been considered. If agreement is reached with landowners and interests and those with an interest to release the land for redevelopment before it is

necessary to exercise the CPO then the decision can be taken not to exercise it. Progression of the CPO in parallel with negotiations provides the option to use powers should they be required, the Council retains the ability not to implement any part of a CPO. A situation where a CPO is obtained but not needed as agreement is ultimately reached is considered a positive outcome in the compulsory purchase guidance.

13.16 The Council will take advice on the voluntary acquisition of land as required, but it is intended to enter into option agreements with any willing landowners so that the Council is protected if the SVEZ Scheme does not proceed in future for any reason.

## **14 CONSULTATION**

14.1 The Council has undertaken a wide range of consultation with the public, statutory environmental bodies and other key stakeholders. Summaries of the main consultation undertaken are set out in this section of the Report.

14.2 Where relevant and feasible, all feedback received as part of the consultation has been used to develop the design of the SVEZ Scheme.

### **14.3 LDO consultation**

14.4 The evolution of the LDO has been subject to significant public consultation.

### **14.5 Informal consultation Spring/Summer 2023**

14.6 Non-statutory public engagement was undertaken with landowners, neighbours and Parish and Ward Councillors, Groups and Forums to inform the development of the LDO. Engagement included a public webinar, consultation boards in local libraries and hard copy and online surveys. Further details are outlined in the Statement Community Involvement (Appendix 10).

### **14.7 LDO statutory consultation period January 2023 -23 February 2023**

14.8 Statutory consultation took place from 16 January 2023 to 23 February 2023. The SVEZ LDO, Design Guide, Design and Access Statement and

accompanying technical studies and assessment were available on the B&NES website.

14.9 Over 400 responses from individuals and organisations were received along with comments from statutory consultees including:

- (a) B&NES and C S (Environmental Monitoring) – Air Quality
- (b) Arboriculture
- (c) Archaeology
- (d) The Coal Authority
- (e) Conservation Officer
- (f) B&NES Drainage and Flooding Team (LLFA)
- (g) Ecology
- (h) Environmental Protection
- (i) Natural England
- (j) B&NES Transportation and Highways
- (k) Historic England
- (l) National Grid
- (m) Paulton Parish Council
- (n) Ston Easton Parish Council
- (o) Farrington Gurney Parish Council
- (p) B&NES Planning Policy
- (q) B&NES Public Rights of Way (PRoW) Team
- (r) Urban Design and Landscape – Neil Williamson Associates
- (s) Wales and West

(t) Wessex Water

14.10 After considering feedback from the first statutory consultation, the Council determined that a number of changes should be made to the SVEZ Scheme requiring amendments to the LDO. As a result, it was decided that a second statutory consultation should be held to seek views on those changes. In summary, the changes include:

- (a) Increased depth of the perimeter buffer zone from 10m to 15m-20m;
- (b) Changes to the Wildlife (dark) corridors;
- (c) Removal of the perimeter path; and
- (d) Indicative location of the primary substation

14.11 None of these changes affect the boundary of the SVEZ or the land-take requirements.

#### 14.12 **Second Statutory Consultation**

14.13 The second statutory consultation ran from 22 September 2023 to 20 October 2023.

14.14 The primary concerns relating to the LDO were linked to highways, flooding, visual impact, ecological impact and the LDO process itself.

14.15 These concerns were taken into account in determining the LDO conditions and requirements.

#### 14.16 **Other Consultation**

14.17 Consultation has been carried out with the Council's Monitoring Officer, Director of Regeneration and Housing, Director of Sustainable Communities and Deputy Council Leader and Cabinet Member for Economic Development and Resources.

#### 14.18 **Informal Consultation on the SVEZ/ CPO**

14.19 Local Ward councillors have also been kept up to date with the SVEZ Scheme through regular meetings and visits to the estate with



officers. A briefing note with the details of the forthcoming Cabinet paper has been shared and invited them to comment. The project team will continue to consult ward councillors as the project progresses.

14.20 A Key Stakeholder Group (KSG) is in place for the scheme, consisting of local Ward, Town and Parish Council members. Regular KSG meetings are held to provide updated on the project development and address queries raised by Councillors and their constituents.

<b>Contact person</b>	Richard Holden – Operations Manager
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	